

**Guidelines for Creating
Local Boating Ordinances
And
Placing Waterway Markers
In Wisconsin Waters**

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Department of Natural Resources
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INTRODUCTION

These guidelines for writing boating ordinances and placing waterway markers have been designed to help you with basic questions and formats.

Realizing that there still may be additional questions in dealing with these tasks, I have included a list of the Department of Natural Resources Regional representatives on the back page that you can contact in your area. Please also refer to this list of DNR representatives when you are submitting any documents for DNR review or approval.

Please take the time to read these guidelines, as it will help us all to expedite processing of your ordinances or waterway marker applications. With your help we can make Wisconsin's waterways a safer place to recreate.

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GUIDELINES FOR WRITING LOCAL BOATING ORDINANCES

State law allows counties, towns, villages, cities, public inland lake protection and rehabilitation districts, and town sanitary districts to enact local regulations relative to boating in the interest of **public health, safety or welfare**, including the public's interest in preserving the state's natural resources. State boating law provides a general framework of regulation, but it is up to towns, villages, cities, public inland lake protection and rehabilitation districts and town sanitary districts, to provide regulations tailored to local conditions. The authority to enact local regulations is found in Chapter 30 of the Wisconsin Statutes. See Sections 30.77(2) and 30.77(3), Wis. Stats. for the exact wording of the enabling legislation. See Chapter 33, Wisconsin Statutes for the language regarding Public Inland Lake Protect and Rehabilitation Districts.

The following guidelines are designed to aid in the drafting of your ordinance.

1. Be sure to state the specific name or a legal description of the waters covered by the ordinance. Be certain an inland lake lies entirely within the jurisdiction of your municipality. If there is more than one jurisdiction on an inland lake, at least one of the following situations must occur for an ordinance to be valid and enforceable
 - a. All towns, villages and cities having jurisdiction over the lake, have enacted an identical ordinance.
 - b. At least 50% of the towns, villages and cities having jurisdiction over the lake have enacted an identical ordinance and that at least 60% of the footage of the shoreline of the lake lies within the boundaries of these towns, villages and cities.

If a town, village or city proposes to amend or repeal the ordinance, they must hold a hearing on the issue at least 30 days before the amendment or repeal takes effect. If after holding the hearing, the town, village or city amend or repeal the ordinance that was originally enacted, and the criteria listed in (1.b.) above, no longer applies, then all of the previous identical ordinances are now void.

2. A public inland lake protection and rehabilitation district or a town sanitary district may enact and enforce ordinances applicable to a lake within its jurisdiction only if one of the following apply:
 - a. Each town, village or city, that has jurisdiction over the lake, must adopt resolutions authorizing the lake district or town sanitary district authorization to adopt ordinances.
 - b. At least 50% of the towns, cities or villages having jurisdiction over the lake adopt resolutions authorizing the lake district or town sanitary district to enact or enforce boating ordinances and at least 60% of the footage of the shoreline of the lake, is within the boundaries of these towns, villages or cities.

If a town, village or city proposes to rescind the resolution authorizing a lake district or town sanitary district to enact ordinances so that (2.b.) above, no longer applies it is required to hold a hearing on the issue at least 30 days before the recession will take effect. If after holding the hearing the town, village or city rescinds the resolution the ordinances adopted by the lake district or town sanitary district are void.

3. In any multiple jurisdiction situations identified in 2. & 3. above, a public hearing must be held on any proposed ordinance at least 30 days before it is enacted. The notice of public hearing must be published at least 30 days before the public hearing date. This requires the notice of

the public hearing must occur a minimum of 60 days before the proposed ordinance would be enacted.

4. Local ordinance demands should be equal to the local ability to enforce. Conservation wardens enforce state law, but should not be expected to respond to complaints of local ordinance violations.
5. All citizens have public rights in navigable waters. The state holds these waters in trust for all people. Ordinances cannot be adopted to restrict non-residents of the local jurisdiction or non Wisconsin residents from access or use of the navigable water.
6. Local ordinances cannot be less restrictive than State law. Local ordinances cannot have any special features that counter or reduce the restriction found in State law.
7. Riparian rights must be considered. Local ordinances cannot unreasonably interfere with the riparian's basic right of gaining access to the water.
8. Ordinance language should avoid paraphrasing when state statutes are restated in a local ordinance. Where possible, State boating laws should be adopted by reference. This will avoid confusion and ensure that the local ordinance remains valid without any future revision in the event of State statutory changes.
9. Provisions such as Sections 30.60, 30.61, 30.62, 30.63, 30.64, 30.67, 30.675, 30.68(3)(b) and 30.71, Wis. Stats., which deal with equipment requirements and safety regulations may not be changed by local ordinances except pursuant to NR 5.19, Wis. Adm. Code, which allows certain exceptions for water exhibitions and races.
10. If an ordinance is enacted according to Sections 30.77(3), posting in accordance with Section 30.77(4) and NR 5.15 Wis. Adm. Code must be accomplished to insure an enforceable ordinance. Posting enables boaters to read and **understand** the local regulations. The clearer the language the better. (See "Posting of Local Ordinance" section for more information)

A posted map of the local water with 'colored in' restricted zones is an excellent way to convey information to boaters.

11. All controlled areas such as slow-no-wake areas must be specifically described in an ordinance.
12. Regulatory waterway marker placement must be authorized in a local ordinance, and authorized on the waterway marker permit application (Form 8700-58) and approved by the Department of Natural Resources, before placement.
13. Speed restrictions designated in miles per hour are difficult to enforce. Slow-no-wake is preferable where appropriate.
14. Uniformity of traffic rules throughout the state is necessary so that the transient boater and the general public may know the law. Ordinances regulating local conditions such as approaching or leaving docks and landings should conform as nearly as possible to state law.
15. Where state law specifically allows something, local regulations cannot prohibit the same. For example, age requirements for operation cannot deviate from state law.

16. Across the board regulation by boat size, type of boat, or horsepower has been considered an unwarranted restriction of public rights in previous court rulings.
17. Where an ordinance imposes regulations which are more restrictive than state law, the Department will require a condition report outlining the local conditions which necessitate such a restriction. See the Condition Report section (page 6) of this handbook for further direction.
18. It is suggested that all ordinances contain a severability section.
19. All ordinances must contain a separate penalty section. As required by Chapter 800.04(2), Wis. Stats., deposits for boating violations shall be in accordance with the amount established by the uniform deposit schedule under s. 23.66, Wis. Stats.

It is suggested that the penalty section be worded such as: Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted. (Note: A uniform bond schedule may be obtained from the Recreational Safety Warden in your region. See the map on the back cover of this publication.

20. Ordinances for inland lakes must be submitted to the Department of Natural Resources for review at least 60 days prior to the possible final action thereon.
21. A signed, dated copy of all ordinances must be submitted to the Department after passage, with proof of publication, in order for the ordinance to be legal and enforceable.

The amount and type of water-based activities is constantly growing and local regulation can be responsive to the public need. Through regulation, a safe enjoyable water environment can be provided while at the same time controlling undesirable conflict. Understanding is needed by everyone involved in the regulatory process in order to solve Wisconsin's boating problems.

This handbook contains some example ordinances that may be used in drafting a local ordinance to meet your specific needs. Feel free to use the suggested wording, filling in the blanks and making revisions for local conditions where necessary.

We recommend following the suggested formats to ensure accuracy, uniformity and completeness.

If assistance is desired in writing your ordinance, your local Conservation Warden or the Department of Natural Resources Regional Recreational Safety Warden (RSW) assigned to your County, should be contacted. A map located at the back of this "guideline" identifies the RSW assigned to your county. The RSW will be able to identify the DNR warden assigned to your county if you will need to contact that individual for assistance.

POSTING OF LOCAL ORDINANCES

REFERENCES:

Wisconsin Statutes

30.77(4) **Publicizing Local Regulations.** All local regulations adopted under sub. (3) shall be prominently posted by the local authority which enacted them at all public access points within the local authority's jurisdiction and also shall be filed with the department.

Wisconsin Administrative Codes

NR 5.15 **Posting Requirements.** The posting requirements for local authorities under s. 30.77(4), Stats. shall be a sign with a minimum of 3 inch lettering stating "**Local Ordinance**" posted at each public landing. The sign shall list, in letters with a minimum height of 1 inch, a summary, synopsis, or outline of those regulations more restrictive than state law, or shall contain a map made of a durable material showing those areas with local restrictions, or both, including but not limited to speed limits, water ski hours and personal watercraft restrictions, if any.

Main Points of Posting Requirement ---

1. Shall be posted by the local authority which enacted the regulation.
2. Shall be posted at all public access points.
3. Shall be a sign with "Local Ordinance" in 3 inch lettering (minimum size).
4. Shall list those regulations more restrictive than state law in 1 inch lettering.
5. Shall identify the adoption date of the ordinance or any subsequent revision dates.
6. May be a summary, synopsis or outline of those regulations.

POSTING OF LOCAL ORDINANCES

EXAMPLE: A township passes a boating ordinance that is 4 pages in length. The ordinance lists upon which waters the regulations pertain, the enforcement agency responsible for enforcement, which state laws are adopted, definitions as found in Chapter 30, Wis. Stats., designation of all slow-no-wake areas to be marked by buoys, water ski hours and hours of slow-no-wake. It also discusses the placement of rafts and construction materials to be used in piers.

WHAT MUST THE TOWNSHIP POST???

WATER SKI HOURS OR SLOW-NO-WAKE TIMES?

YES! These are the only regulations more restrictive and unique to the lake.

BOAT TRAFFIC TOWING SKIERS, BOARDERS OR OTHER AQUA PLANE DEVICES MUST GO IN A COUNTER-CLOCKWISE DIRECTION ON THIS LAKE

YES! These regulations more restrictive and unique to the lake.

STATE LAWS ADOPTED, (i.e., battery covers, registration, age restrictions, slow-no-wake within 100' of a dock, no water-skiing after sunset, no Personal Watercraft operation within 100 feet of other watercraft at speed greater than slow-no-wake, etc)

NO, State laws need not be posted – they are the same for all boaters throughout Wisconsin.

SAMPLE OF WHAT A SIGN COULD LOOK LIKE

<p style="text-align: center;">LOCAL ORDINANCE</p> <p>Slow-no-wake speed from sunset to sunrise</p> <p>Slow-no-wake in areas marked by slow-no-wake buoys</p> <p>No water-skiing or similar activity between 7:00 pm and 10:00 am</p> <p style="text-align: center;">Should identify the local ordinance identification or code number And the dates the ordinance(s) were adopted</p>

Helpful, but not required, information the sign could contain:



Telephone number of local Police department, Fire department or 9-1-1



Map of the lake showing slow-no-wake areas, marinas, depth contours, direction of boat movement flow (if it is a requirement of the ordinance)

CONDITION REPORTS

If a regulation or regulation change is being enacted pursuant to Section 30.77(3), Wis. Stats., the Department requires that a condition report providing the facts supporting the regulation or change, be submitted with the ordinance for review. The Condition Report is an integral document to identify the need and justify the ordinance.

The condition report shall include, at a minimum, the following items:

- The local conditions necessitating the regulation or regulation change.
- How the new or changed local regulation will solve the situation.
- The probable or possible negative effects of the measures considered, and who will be adversely affected by the adopted ordinance.
- An opinion statement concerning the impact the regulation will have on public health, public safety, or welfare, if this regulation is not adopted.
- A statement summarizing the arguments of the interests opposed to the regulation or regulation change.

Local conditions you might consider to include, but are not limited to are, number of citations issued, physical size of the body of water, width of a channel, water depth of the entire lake or the area impacted, the concentration of boaters due to constricted areas, egress and ingress from a landing or marina, etc. These statements should be supported with actual data where possible such as the number of accidents or complaints occurring, number of boat slips, etc.

As you can see from the above listed items, the Condition Report should make explicit why an ordinance is in the public interest. This is important because an ordinance that excludes a part of the general public may raise substantial and material questions of fact. A court test may be required to settle these questions. By showing how and why an ordinance is in the public interest, the Condition Report may reduce the ordinance opposition or prevent a court test.

The Condition Report will enable the Department to investigate the pertinent local conditions requiring the ordinance and complete an advisory review in a more timely manner. Advisory reviews will consider the effect the regulation has on the state from the standpoint of uniformity and enforcement. It will also consider whether or not regulations are consistent or inconsistent with Chapter 30 with regard to public health, safety or welfare. Our review is designed to prevent special interest regulations that do not coincide with the public interest.

An unenforceable or difficult to enforce ordinance is a burden and a source of conflict between the enforcing authority and the people it was enacted to protect. A major reason for creating an ordinance is to lessen conflict. The Department may take action to contest local ordinances that do not provide for public health, safety, or welfare and those which are contrary to or inconsistent with state or federal boating laws.

REGULATION OF WATERCRAFT BY TYPE

There has been much debate regarding local ordinances which restrict or ban certain kinds of watercraft, primarily personal watercraft. The Attorney General has stated that regulations restricting a particular type of watercraft may be appropriate under certain circumstances if the municipality can demonstrate that the interests of public health, safety, and welfare justify the ordinance. The Public Intervenor has outlined points that should be considered in determining the validity of such a regulation. The Department of Natural Resources cannot say whether a restriction of this type would be upheld in court, but recommends that municipalities evaluate their situation based on the following criteria when drafting their boating ordinances and include this information in a condition report which should be submitted to the department together with the draft ordinance for review.

1. What is the goal of the regulation?
2. Why is this a reasonable and rational purpose?
3. How will the regulation accomplish the goal?
4. Is this type of boat reasonably singled out?
 - a) What are substantial distinctions between this type of boat and every other type of boat?
 - b) Do these distinctions reasonably suggest substantially different regulations for this type of boat?
 - c) Are there any other types of boats which do, or could potentially, cause the same problem(s)? How are these types of boats being regulated?
 - d) Does the regulation apply equally to each boat of this type? To each boat which could potentially cause the same problem?
5. Is the condition that causes the perceived need for the regulation only in existence during a certain time of year? Day? If so, when?
6. What are the anticipated results if this regulation is not enacted?
7. Describe the public support for this regulation.
8. Describe the public opposition to this regulation.
9. Are there other less restrictive regulations which could accomplish the goal?
 - a) Have other types of regulations been tried? If so, what were the regulations and what was the outcome?

Many of the complaints the Department receives regarding personal watercraft are with regard to either noise or location of operation. Please be aware that there are laws in place to deal with these problems. Section 30.62(2) of the Wisconsin Statutes regulates boat noise. Have decibel readings been taken to determine whether any boats are exceeding the legal decibel limit? If so, enforcement action should be taken under s. 30.62(2), Wis. Stats. Section 30.66 and 30.69(3), Wis. Stats. State that PWC cannot operate faster than slow-no-wake within 100' of another craft or 200' of the shoreline of a lake and cannot operate within 100' of a boat towing a skier, the ski rope, or the skier. Oftentimes, enforcement of existing laws can eliminate the problem.

EXAMPLE ORDINANCE FOR ADOPTION OF STATE STATUTES

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF _____ AND
PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The (County/City/Town/Village)¹ Board of the (County/City/Town/Village¹) of _____ do
ordain as follows:

Section I. Applicability and Enforcement

- (a) The provisions of this Ordinance shall apply to the waters of _____.
- (b) This chapter shall be enforced by the officers of the (County/City/Town/Village¹) of
_____.

Section II Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III State Boating and Safety Laws Adopted

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV Penalties

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VII Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the (County/City/Town/Village) Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section VIII Effective Date

This section will become effective upon its passage and the day after publication.

Passed this _____ day of _____, 20__.

(County/City/Town/Village¹) Chairperson Name

Signature of Chairperson

¹ Public Lake Protection & Rehabilitation District may also be substituted in place of the (County/City/Town/Village) blank.

**EXAMPLE ORDINANCE FOR
SLOW-NO-WAKE AREA**

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF _____ AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The (County/City/Town/Village¹) Board of the (County/City/Town/Village¹) of _____ do ordain as follows:

Section I. Applicability and Enforcement

- (a) The provisions of this Ordinance shall apply to the waters of _____.
- (b) This chapter shall be enforced by the officers of the County/City/Town/Village of _____.

Section II Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III State Boating and Safety Laws Adopted

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV Definitions

- (a) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

ALSO INCLUDE DEFINITIONS OF OTHER TERMS USED IN YOUR ORDINANCE.
--

Section V Controlled Area

No person shall operate a boat faster than slow-no-wake in the waters of (name of area/lake/bay, etc.) beginning (location - specific) and ending (location - specific) at any time.

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Section VI **Posting Requirements**

The (County/City/Town/Village¹) of _____ shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County/City/Town/Village¹) pursuant to the requirements of NR 5.15 Wis. Admin. Code.

Section VII **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village¹ Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20____.

(County/City/Town/Village¹) Chairman

Signature of Chairperson

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

**EXAMPLE ORDINANCE FOR
SLOW-NO-WAKE HOURS**

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF _____ AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The (County/City/Town/Village)¹ Board of the (County/City/Town/Village)² of _____ do ordain as follows:

Section I. Applicability and Enforcement

- (a) The provisions of this Ordinance shall apply to the waters of _____.
- (b) This chapter shall be enforced by the officers of the County/City/Town/Village of _____.

Section II Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III State Boating and Safety Laws Adopted

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV Definitions

- (a) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

ALSO INCLUDE DEFINITIONS OF OTHER TERMS USED IN YOUR ORDINANCE.
--

Section V Hours of Operation

No person shall operate a boat faster than slow-no-wake during the hours of _____ to _____ local time on _____ Lake.

Section VI Posting Requirements

The (County/City/Town/Village) of _____ shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County/City/Town/Village) pursuant to the requirements of NR 5.15 Wis. Admin. Code.

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

² Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank

Section VII Penalties

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII Severability

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village³ Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX Effective Date

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20____.

(County/City/Town/Village) Chairperson Name

Signature of Chairperson

³ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

**EXAMPLE ORDINANCE FOR
SLOW-NO-WAKE DURING HIGH WATER PERIODS**

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF _____ AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The (County/City/Town/Village)¹ Board of the (County/City/Town/Village) of _____ do ordain as follows:

Section I. Applicability and Enforcement

- (a) The provisions of this Ordinance shall apply to the waters of _____
- (b) This chapter shall be enforced by the officers of the County/City/Town/Village of _____.

Section II Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III State Boating and Safety Laws Adopted

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV Definitions

- (a) "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steerage control.

ALSO INCLUDE DEFINITIONS OF OTHER TERMS USED IN YOUR ORDINANCE.
--

Section V Controlled Area

No person shall operate a boat faster than "slow-no-wake" in the waters of (name of lake/river, etc.) when the water level exceeds elevation (insert elevation) as based on the bench mark located at (location). This slow-no-wake restriction will be posted at all public access points when in effect.

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Section VI **Posting Requirements**

The (County/City/Town/Village)¹ of _____ shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County/City/Town/Village) pursuant to the requirements of NR 5.15 Wis. Admin. Code.

Section VII **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20____.

(County/City/Town/Village) Chairperson name

Signature of Chairperson

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

**EXAMPLE ORDINANCE FOR
WATER SKIING RESTRICTIONS**

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF _____
AND PRESCRIBING PENALTIES FOR VIOLATIONS
THEREOF.

The (County/City/Town/Village)¹ Board of the (County/City/Town/Village) of _____
do ordain as follows:

Section I. Applicability and Enforcement

- (a) The provisions of this Ordinance shall apply to the waters of _____.
- (b) This chapter shall be enforced by the officers of the County/City/Town/Village of _____.

Section II Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III State Boating and Safety Laws Adopted

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV Water Skiing

No person shall water ski or operate any motorboat towing a person engaged in water skiing or similar activity during the hours of _____ to _____ local time on weekdays and _____ to _____ local time on weekends from (date) to (date).

OR

No person shall water ski or operate any motorboat towing a person engaged in water skiing or similar activity during the hours of _____ to _____ local time on weekdays and _____ to _____ local time on weekends from (date) to (date) on the waters of (Name of Lake) in the area of (Name of bay or specific lake area).

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Section V **Posting Requirements**

The (County/City/Town/Village)¹ of _____ shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County/City/Town/Village) pursuant to the requirements of NR 5.15 Wis. Admin. Code.

Section VI **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VII **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section VIII **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20__.

(County/City/Town/Village) Chairperson name

Signature of Chairperson

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

**EXAMPLE ORDINANCE FOR
WATER EXHIBITIONS AND RACES**

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF _____
AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The (County/City/Town/Village¹) Board of the (County/City/Town/Village) of _____
does ordain as follows:

Section I. **Applicability and Enforcement.** Persons or groups wishing to conduct any water exhibitions or races as defined by State Statutes or the Wisconsin Administrative Code shall apply for a special permit issued by the Town Clerk after Town Board approval.

- (a) The provisions of this Ordinance shall apply to _____.
- (b) Exceptions from State boating laws granted through the permitting process apply only to the specific event days and times. These exceptions from State boating laws do not apply for any practice time or dates.
- (c) The officers of the (County/City/Town/Village) shall enforce this chapter.

Section II. **Intent.** The intent of this Ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III. **State Boating and Safety Laws Adopted.**

State boating laws as found in 30.50 to 30.71 and 30.742 Wis. State Stats., and NR 5.19 Wis. Admin.Code are adopted by reference.

Section IV. **Water Exhibition and Race Permit.** The permit shall include the following: Permittee, address, telephone number, day(s) or date(s) of the event, hours of the event, day(s) or date(s) of necessary practice, hours of the practice, legal description of the event area, legal description of the practice area, and expiration date.

Section V. **Placement of Buoys.** Under the authority granted in NR 5.09(7)(d), Wis. Adm. Code, the (County/City/Town/Village) Board hereby authorizes the permittee to place water-ski buoys at the event location described in the permit for the length of the permit.

Section VI. **Exclusive Use Area.** An exclusive use event location on (name of water body) is described as follows: (Legal description)
The permittee shall be granted exclusive use of the event location described above during the authorized day(s) or date(s) and hours of the permitted event. This section does not apply in the case of an emergency, to the water patrol or to rescue craft, or for the ingress and egress of private riparian owners within the exclusive use area.

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Section VII. Water Exhibition and Race Authorized Area.

A water exhibition and race authorized practice area on (name of the water body) is described as follows: (Legal description) The permittee's use of this area is limited to not more than the following days and hours: (List the days and hours).

Section VIII. Penalties. Wisconsin state boating penalties as found in Wis. Stat. section 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the (County/City/Town/Village¹) Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this Ordinance or the application to any person or circumstances are held invalid the remainder of the Ordinance and the application of such provisions to other persons and circumstances shall not be effected.

Section X. Effective Date. This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20__.

(County/City/Town/Village) Chairperson name

(Signature of Chairperson)

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

EXAMPLE ORDINANCE FOR MOTORBOAT PROHIBITION

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF _____ AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The (County/City/Town/Village)¹ Board of the (County/City/Town/Village) of _____ do ordain as follows:

Section I. Applicability and Enforcement

- (a) The provisions of this Ordinance shall apply to the waters of _____.
- (b) This chapter shall be enforced by the officers of the County/City/Town/Village of _____.

Section II Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III State Boating and Safety Laws Adopted

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV Motor Boat Prohibited Area

No person shall operate a motorboat, as defined in 30.50(6), Wisconsin Statutes, that is propelled by internal combustion engine or engines on the waters of _____. Electric motors only are permitted on said waters.

Section V Posting Requirements

The (County/City/Town/Village) of _____ shall place and maintain a synopsis of this ordinance at all public access points within the jurisdiction of the (County/City/Town/Village) pursuant to the requirements of NR 5.15 Wis. Admin. Code.

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Section VII **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village¹) Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20__.

(County/City/Town/Village) Chairperson Name

Signature of Chairperson

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

EXAMPLE ORDINANCE FOR MULTIPLE RESTRICTIONS

A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF
_____ AND PRESCRIBING PENALTIES FOR VIOLATIONS
THEREOF.

The (County/City/Town/Village¹) Board of the (County/City/Town/Village) of
_____ do ordain as follows:

Section I. Applicability and Enforcement

- (a) The provisions of this Ordinance shall apply to the waters of
_____.
- (b) This chapter shall be enforced by the officers of the
County/City/Town/Village of _____.

Section II Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III State Boating and Safety Laws Adopted

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

Section IV Definitions

Choose any of the following definitions or add any which apply.

- (a) "Public access" means any access to the waters by means of public property.
- (b) "Shore zone" means all surface water within _____ feet of the shoreline.
- (c) "Slow-No-Wake" means that speed at which a boat moves as slowly as possible while still maintaining steering control.
- (d) "Water ski" means a boat towing a person using water skis, and aquaplane or similar device.

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Section V

Use this area to insert as many sections and paragraphs from the following two pages of Optional Ordinance Sections as necessary to meet your local needs. Renumber the rest of the sections as needed to fit your needs.

Section VI **Posting Requirements**

The County/City/Town/Village¹) of _____ shall place and maintain a synopsis of this Ordinance at all public access points within the jurisdiction of the (County/City/Town/Village) pursuant to the requirements of NR 5.15 Wis. Admin. Code.

Section VII **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20__.

(County/City/Town/Village) Chairperson Name

(Signature of Chairperson

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank

OPTIONAL ORDINANCE SECTIONS

Section ____ Speed Restrictions

Speed restrictions designated in miles per hour can be very difficult to enforce; slow-no-wake is more preferable in appropriate areas.

A speed limit of ____ is established on the waters of _____. No person shall operate a boat faster than the established speed limit.

Section ____ Controlled Area

No person shall operate a boat faster than slow-no-wake in the waters of (name of area/lake/bay, etc.) beginning (location-specific) and ending (location-specific) at any time.

Section ____ Hours of Operation

No person shall operate a boat faster than slow-no-wake during the hours of _____ to _____ local time on _____ Lake.

Section ____ Water Skiing

No person shall water ski or operate any motorboat towing a person engaged in water skiing or similar activity between the hours of _____ and _____ local time on weekdays and _____ and _____ local time on weekends from (date) to (date).

Or

No person shall water ski or operate any motorboat towing a person engaged in water skiing or similar activity between the hours of _____ and _____ local time on weekdays and _____ and _____ local time on weekends from (date) to (date) on the waters of (Name of Lake) in the area of (Name of bay or specific lake area).

Section ____ Traffic Rules

On _____ (lake name(s)) between the hours of _____ and _____ local time, no person shall operate a motorboat at a speed greater than "slow-no-wake" except in a _____ (counterclockwise or clockwise direction).

Section _____ **Gas Powered Motor Boat Prohibited Area**

No person shall operate a motorboat, as defined in 30.50(6), Wisconsin Statutes, that is propelled by internal combustion engine or engines on the waters of (lake name) in the area described as _____.
Electric motors only are permitted on said waters.

Section _____ **Ski Pick-Up/Drop Area**

A Water Ski Pick-Up/Drop area is hereby established, pursuant to Wisconsin Statute 30.69(3), in that area of (Lake/River) adjacent to the (launch area/pier at Location). The Ski Pick-Up/Drop area shall be defined as an area no more than 100 feet (100') from the location of the (area of dock or pier) as marked by regulatory markers.

The Ski Pick-Up/Drop area hereby established will only be in effect when appropriate regulatory marker(s) are in place.

The Ski Pick-up/Drop area shall only be in effect during times and dates designated in a (City/Town/Village Board/governing agency) issued permit, as provided for in Section (fill in from ordinance).

Section _____ **Regulation of Mooring**

No person shall place or use a mooring buoy within 200' from shore in the waters of (Name of Lake) without first obtaining a permit. Permits to place moorings shall be issued by the (Name of responsible local official). Applicants shall demonstrate compliance with the standards approved by the (City/Town/Village Board/governing agency) and the requirements of 30.772, Wis. Stats. All buoys shall conform to the requirements of NR 5.09, Wis. Adm. Code.

<p>Include local regulations relating to number of moorings, distance between moorings and other moored boats and traffic areas, number of boats attached to moorings, etc. as outlined.</p>

EXAMPLE MOORING ORDINANCE

A SOLE ORDINANCE TO REGULATE MOORING OF BOATS UPON THE WATERS OF _____ AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.

The (County/City/Town/Village¹) Board of the (County/City/Town/Village) of _____ do ordain as follows:

Section I Applicability and Enforcement

- (a) The provisions of this Ordinance shall apply to the waters of _____.
- (b) This chapter shall be enforced by the officers of the (County/City/Town/Village) of _____.

Section II Intent

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.

Section III Definitions

- (a) "Mooring" when used as a noun means a mooring anchor and mooring buoy together with attached chains, cables, ropes and pennants and related equipment, unless there term is qualified or restricted.
- (b) "Mooring anchor" means any anchor or weight which is designed to rest on the bed or to be buried in the bed of a navigable water, which is designed to be attached by a chain, cable, rope or other mechanism to a mooring buoy and which is designed to be left in position permanently or on a seasonal basis.
- (c) "Mooring buoy" means any float or marker which is attached to a mooring anchor and either is suitable for attachment to a boat through the use of a pennant or other device or facilitates the attachment of the boat to the mooring anchor.

Section IV Regulation of Mooring

No person shall place or use a mooring buoy within 200' from shore in the waters of (Name of Lake) without first obtaining a permit. Permits to place moorings shall be issued by the (Name of responsible local official). Applicants shall demonstrate compliance with the standards approved by the (City/Town/Village Board/governing agency) and the requirements of 30.772, Wis. Stats. All buoys shall conform to the requirements of NR 5.09, Wis. Adm. Code.

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Section IV **Regulation of Mooring (continued)**

Include local regulations relating to number of moorings, distance between moorings and other moored boats and traffic areas, number of boats attached to moorings, etc. as outlined in 30.772(3).

Section V **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VI **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village¹⁾ Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section VII **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20__.

(County/City/Town/Village) Chairperson

Signature of Chairperson

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

**EXAMPLE ORDINANCE
FOR A DESIGNATED MOORING AREA**

The (County/City/Town/Village)¹ Board of the (County/City/Town/Village) of _____, _____ County, Wisconsin, pursuant to Section 30.773, Wis. Stats., hereby creates Section _____ of the Municipal Code to read as follows:

Section I Intent

The intent of the listed designated mooring areas (DMAs) is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interest and the capability of the water resource.

Section II Applicability and Enforcement

The provisions of this ordinance shall apply to the below DMAs. The provisions of this ordinance and administrative code for the below listed DMAs shall be enforced by the officers of the (water safety patrol/police) of the (County/City/Town/Village) of _____.

Section III State Mooring and Safety Laws Adopted

State regulations and regulations applicable to moorings as found in Chapter 30 of the Wisconsin Statutes are adopted by reference.

Section IV Mooring Area Descriptions

(These descriptions are provided as an example only. Descriptions must be the same as provided on the Designated Mooring Area map.)

a. Designated Mooring Area #1 - Moorland Park DMA

Beginning at the northerly most meander corner of lot 2 of Certified Survey Map No. 3631, Document No. 1696280 recorded in Volume 15 of Certified Surveys on pages 1,2 and 3, _____ County Register of Deeds (Continue with legal description)

Moorland Park DMA contains (xxx.x) acres.

b. Designated Mooring Area #2 - (Optional name)

Beginning..... DMA contains (xxx.x) acres.

c. Designated Mooring Area #3 - (Optional) , etc.

¹ Public Inland Lake Protection and Rehabilitation District may also be substituted in any County/City/Town/Village blank.

Section V **Standards**

The above listed DMAs will be established, operated and maintained in accordance with the standards of approval as stated in s. 30.773(3) Wis. Stats.

Section VI **Mooring Area Regulations**

Describe placement of moorings, fees, eligibility for use, type of mooring, weight of anchor, attachment to boat, etc.

Section VII **Penalties**

Wisconsin state boating penalties as found in Wis. Stat. 30.80, and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference and all references to fines amended to forfeitures and all references to imprisonment deleted.

Section VIII **Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the County/City/Town/Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section IX **Effective Date**

This section will become effective upon passage and the day after publication.

Passed this _____ day of _____, 20__.

(County/City/Town/Village) Chairperson Name

Signature of Chairperson

DESIGNATED MOORING AREA PROCEDURES

Municipalities may establish designated mooring areas by following the procedures outlined in ss 30.773, Wis. Stats. The requirements are briefly outlined here.

The designated mooring area must meet the following requirements:

1. The mooring area must be more than 150 feet from the ordinary high-water mark.
2. The establishment and operation of the mooring area may not materially obstruct navigation.
3. The establishment and operation of the mooring area cannot be detrimental to public rights or interests in the waterway.
4. The mooring area cannot be within and cannot adversely affect a critical or significant fish or wildlife habitat area.
5. The establishment and operation of the mooring area must comply with all applicable zoning requirements.
6. All riparian owners must agree in writing to the establishment of the mooring area.
7. The use of the mooring area cannot be unfairly restricted or used to exert exclusive privileges for use of the navigable waters.

The required submittals for a DMA application are outlined below.

1. A statement indicating the municipality has jurisdiction over the water. Wisconsin Statute 30.772(1) states:

"Subject to department approval, a municipality with jurisdiction over navigable waters may establish designated mooring areas as provided in this section".

2. A statement indicating approval from the Board of Harbor Commissioners or a statement indicating the municipality does not have a board of harbor commissioners.
3. Six (6) copies of an ordinance creating the designated mooring area. The legal description of the DMA in the ordinance must match the metes and bounds description on the map. This ordinance must be created by the municipality. (See sample ordinance.)
4. Six (6) copies of a map of the designated mooring area. Map requirements:
 - a. Scale not less than 100 feet to the inch.
 - b. The map must indicate the exact surveyed boundary of the mooring area.

- c. The map must show adjacent riparian areas and delineate adjacent riparian areas by a method use in Chapter NR 326, Wis. Administrative Code. The method used must be stated on the map.
 - d. The map must indicate it was prepared by a registered surveyor in the state of Wisconsin.
 - e. The map must state on it, the metes and bounds description of any bulkhead line adjacent to the DMA.
 - f. The map must show the placement of informational waterway markers for the DMA. (The map must include the Informational "Mooring Area" marker placement).
- 5. A statement indicating the establishment and operation of the mooring area does not materially obstruct navigation.
 - 6. A statement indicating the establishment and operation of the mooring area is not detrimental to public rights or interest in the waterway.
 - 7. A zoning administrator statement that the establishment and operation of the DMA complies with all applicable zoning requirements.
 - 8. The signature of all riparians agreeing to the establishment and operation of the mooring area.
 - 9. A statement from the applicant indicating how the DMA will be used, that the DMA is not unfairly restricted or used to assert exclusive privileges for use of the navigable waters and will be open to public navigation.
 - 10. A properly completed Waterway Marker Application (Form 8700-58) showing the placement of the informational boundary markers.

WATERWAY MARKERS

Waterway markers may be placed in all state waters. All waterway markers placed in, on, or near the water must comply with the uniform waterway marking system established in NR 5.09, Wisconsin Administrative Code. No municipality or person may mark the waters of the state in any manner that conflicts with this system.

Waterway markers can be authorized only by an agency or political subdivision of the state having jurisdiction over the waters and must be approved by the Department of Natural Resources. Applications for placement of waterway markers must be filed on DNR Form 8700-058 (R 11/06) and must be accompanied by a map or diagram showing the proposed location of the markers. Exact location must be expressed in GPS coordinates or in specific feet distance from one or more fixed objects whose location is easily identifiable. The local municipality should verify that the application is filled out properly and then complete Section II of the application form indicating the political subdivision approval or disapproval. **Any applications received by the Department which do not have Section II filled out and signed off by the political subdivision will be returned to the applicant.**

The responsibility for the placement and maintenance of waterway markers lies with the applicant and local municipality. If alternate arrangements have been made for the placement and maintenance of buoys, this should be specifically stated on the waterway marker permit application form.

Completed applications should be forwarded to your local Conservation Warden. If the local warden is not known, then the application and information material should be sent to the Regional Recreational Safety Warden assigned to your County. The local warden and Region RSW will review the permit application and if approved will forward the permit, map, diagram, GPS Coordinate information, to the Department in Madison for approval or disapproval. You will receive the completed permit application in the mail with a letter from the Department indicating Department approval or disapproval.

DISPLAY OF MARKERS

A waterway marker may be displayed as a sign on a fixed support, as a buoy bearing a symbol on its surface or as a sign mounted on a buoy. When a waterway marker is displayed as a sign it should conform to the Uniform State Waterway Marking System by:

- Displayed on a white background with a band of international orange at the top and bottom.
- Letters and Numerals shall be black, in block characters of good proportion, spaced in a manner which will provide maximum legibility, and of a size which will provide the necessary degree of visibility.
- Displaying Uniform State Waterway Marking System symbols in international orange. Symbols shall be not less than 2 inches in width and shall at least 2/3 of the display area height.

BUOY TYPES AND REQUIREMENTS

Following is a description of the different types of waterway markers, together with any special requirements for each.

1. Control Buoys - These buoys indicate controlled areas such as: slow-no-wake, no skiing, no scuba diving, etc. where speed or activities are restricted.
2. Boats Prohibited Buoys - These buoys indicate Swimming areas, waterfalls, rapids, dams, etc. All boats, motorized and non-motorized, are prohibited from entering.

Requirements to Place Control and Boats Prohibited Buoys:

- a. Except for swimming areas, a local ordinance must be passed to authorize the placement of either of the buoys. The ordinance must specifically describe the location of all buoys.
 - b. The justification for creating the restriction must be the protection of public health, safety, welfare and not primarily for the benefit of private interests.
 - c. A Waterway Marker Application and Permit (Form 8700-58) must be filled out. Local government approval is needed in Section II of the form.
 - d. Department of Natural resources review of the ordinance and approval of the application is required.
 - e. The buoys must be placed by individuals with proper authorization from the municipality having jurisdiction over the waters involved.
 - f. Swim area buoys can only be approved for placement in conjunction with swim areas operated by resorts, clubs, or civic organizations where they are open to the public or used by large number of people.
 - g. The buoys must be of the proper type:
 - Cylindrical in shape.
 - A minimum of 36 inches above the waterline.
 - A minimum diameter of 7 inches.
 - The information on the buoy must be printed in black.
 - The "Control" buoy will be white with an orange circle.
 - The "Boats Prohibited" buoy will be white with an orange diamond with an orange cross inside.
3. Danger Buoys - These buoys are used to warn boaters of rocks, cables, stumps, dams, etc.
 4. Information or Direction Buoys - These buoys inform boaters of direction, distances, locations, rules, etc.

5. All Green and All Red Buoys - These buoys are used in pairs and boaters should pass between them. If the buoys are numbered, the red buoys have even white numbers and the green buoys have odd white numbers. When traveling upstream, the green marks the left side and the red marks the right side of the channel.
6. All White Buoys with Black Vertical Stripes - These buoys mark the most navigable route of safe passage and should be passed closely on either side.
7. All White Buoys with Red Vertical Stripes - These buoys mark the most navigable route of safe passage and should be passed closely on either side.

Requirements to Place Danger, Information, and Red, Green, and Black-and-White Buoys:

- a. A Waterway Marker Application and Permit (Form 8700-58) must be filled out. Local government approval is needed in Section II of the form.
- b. Department of Natural Resources review and approval of the application is required.
- c. The buoys must be placed by individuals with proper authorization from the municipality having jurisdiction over the waters involved.
- d. The buoys must be of the proper type:
 - Cylindrical in shape.
 - A minimum of 36 inches above the waterline.
 - A minimum diameter of 7 inches.
 - The "Danger" buoy will be white with an orange diamond. Any information will be printed on this buoy in black.
 - The "Information" or "Direction" buoy will be white with an orange square. Any information will be printed on this buoy in black.

7. Requirements to Place Mooring Buoys

For mooring buoys within 150 feet of shore, no Department approval or permit is required. A permit may be required from the political subdivision, however, if they have enacted a local ordinance regulating mooring. Local municipalities may enact ordinances regulating mooring up to 200 feet from shore.

Even though permit approval may not be necessary for buoys within 150 feet of shore (200 feet if regulated by local ordinance), persons placing buoys must meet the requirements of s. 30.772(2), Wis. Stats., which are:

- a. Riparian owners must have given written permission.
- b. The mooring may not interfere with the public rights or interests in the navigable waters and must not obstruct navigation.

- c. The mooring or use may not interfere with the rights of the other riparian owners.
- d. The mooring or use may not adversely affect critical or significant fish or wildlife habitat.
- e. The mooring buoy must be of the proper size and type as outlined below.

For mooring buoys placed more than 150 feet from shore (or 200 feet where regulated by local ordinance):

- a. A Waterway Marker Application and Permit (Form 8700-58) must be filled out. Local government approval is needed in Section II of the form. The applicant must be the riparian owner.
- b. An Individual Mooring Justification Worksheet (Form 8700-192) must be completed.
- c. Department of Natural Resources review and approval of the application is required.
- d. The mooring may not interfere with the public rights or interests in the navigable waters and must not obstruct navigation.
- e. The mooring or use may not interfere with the rights of the other riparian owners.
- f. The mooring or use may not adversely affect critical or significant fish or wildlife habitat.
- g. The mooring buoy must be of the proper size and type as outlined below.
- h. Any boat moored more than 200 feet from the shoreline is required to be lighted from sunset to sunrise by a white light visible all around the horizon. (Boats moored in a DNR-approved designated mooring area are exempt from this lighting requirement.)

MOORING BUOY SPECIFICATION


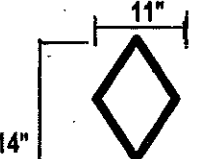
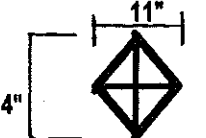
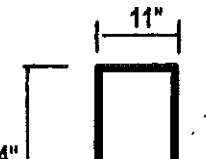
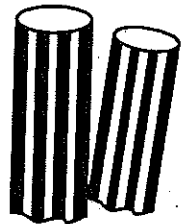
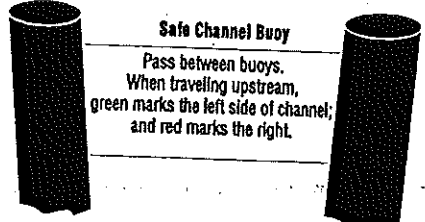
In addition to the previously outlined requirements, all mooring buoys must be of the following size and type.

- 1. Mooring buoys must be white with a blue strip midway between the top and the waterline.
- 2. They must be spherical or ovate in shape.
- 3. They must extend a minimum of 18 inches above the waterline.

Waterway Marker Types

SYMBOLS

MESSAGES **

<p>CONTROLLED AREA</p>  <p>12" 2" Band</p>	<p>Controlled Area Slow-no-wake, no anchor, no skiing, speed limits</p> <p>SLOW WAKE</p> <p>SKI AREA</p> <p>NO SKIING</p> <p>SPEED LIMIT</p>
<p>DANGER</p>  <p>14" 11" 2" Band</p>	<p>Danger Buoy Warns of bridge work, rocks, cables, shallow area, dam</p> <p>BRIDGE WORK</p> <p>DANGER AHEAD</p> <p>RAPIDS AHEAD</p> <p>ROCK</p> <p>STUMP</p> <p>SHALLOW AREA</p> <p>HAZARD AREA</p>
<p>RESTRICTED AREA</p>  <p>14" 11" 2" Band</p>	<p>Restricted Areas No Boats Allowed Must operate slow-no-wake within 100 feet of area Swim area, dam, rapids, etc.</p> <p>SWIM AREA</p> <p>KEEP OUT</p> <p>NO BOATS</p> <p>BOATS KEEP OUT</p> <p>CLOSED AREA</p> <p>DAM DAM</p>
<p>INFORMATION</p>  <p>14" 11" 2" Band</p>	<p>Information Buoy Loon nesting, treatment area, directions, distance to</p> <p>LOON NESTING AREA</p> <p>MOORING AREA</p> <p>STATE PARK</p> <p>MARINA ENTRANCE</p> <p>SLALOM AREA</p>
<p>CENTER CHANNEL MARKER</p>  <p>Center of Channel Marks center of channel. Should be passed close to on either side.</p> <p>Red Stripes on White background or Black Stripes on White background and may have a Reflective Band</p>	<p>CHANNEL MARKER All Red or All Green</p>  <p>Safe Channel Buoy Pass between buoys. When traveling upstream, green marks the left side of channel; and red marks the right.</p> <p>When proceeding upstream. Green buoys mark the left side of the channel Red buoys mark the right side of the channel</p>

****OTHER WORDING TO MEET SPECIAL NEEDS IS AVAILABLE**

These symbols conform to inland Waterway Marking Regulations, as specified by the State of Wisconsin.

Waterway Marker Application and Permit

Form 8700-058 (R 11/06)

Notice: Collection of this information is authorized under s. NR 5.09, Wis Admin. Code. Failure to provide this information may result in removal of waterway markers. Personal information collected will be used to administer the Waterway Marker Permit program and may be provided to requesters as required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.].

Instructions: Refer to Instructions and requirements on the back of this form. Complete this form and send to your local conservation county warden.






ID No.	Region	<input type="checkbox"/> Placement	<input type="checkbox"/> Discontinue	<input type="checkbox"/> Change
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Jurisdiction

☐ City ☐ Town ☐ Village of _____ County of _____, Wisconsin.

Section 1: Applicant				Section 2: Property Owner			
Applicant Name				Property Owner Name			
Street Address				Street Address			
City		State	ZIP Code	City		State	ZIP Code
Telephone Number (include area code)				Telephone Number (include area code)			

Name of lake or body of water on which buoys are to be placed				I consent to the placement of water marker(s) adjacent to the waters of my private property.			
Location of Marker(s)	1/4	1/4	Section	Township	Range E / W	Signature of Authorized Representative	Date Signed

Type of Marker(s)	Qty.	Type of Marker(s)	Qty.	Message on Marker	Remarks
Aid to Nav. Center		Boat Excluded 			
Aid to Nav. Red		Swim Area 		SWIM AREA	Name of Beach:
Aid to Nav. Green		Controlled Area 			
Mooring		Hazard Warning 			
Non-standard or signs		Informational 			

Describe:

Attach diagrams and maps showing the proposed location of the marker(s). Identify the exact location of the water marker(s) in distance from one or more fixed objects, whose location is known or provide the GPS coordinates of the marker(s) placement.

The above information provided in support of the application for placement of water marker(s) is true and correct.

Applicant (Printed Name)	Signature of Applicant (Authorizing Representative)	Date Signed
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Section 3: Local Government Authorization

<input type="checkbox"/> Approved -- The above named applicant may place and maintain, subject to DNR approval, the above described marker(s).			
<input type="checkbox"/> Disapproved -- The placement of the described marker(s) may not take place.			
Name of Local Government or State Agency		Restrictions <input type="checkbox"/> None <input type="checkbox"/> Yes - List restrictions:	
Approved By (Printed Name)	Title	Approved By (Signature)	Date Signed

DNR Use Only			
Warden's Recommendation <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved		Warden's (Printed) Name	
Recreation Safety Warden <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved		Signature	
Signature		Date Signed	
Ordinance on File <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required		Bureau of Law Enforcement <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	
Warden's Signature		Signature	
Date Signed		Date Signed	

Permit Distribution: Copy 1 - Dept. of Natural Resources, Copy 2 - Local Government, Copy 3 - Permittee, Copy 4 - RSW.

Waterway marker(s) may not be placed until all the requirements of Section NR 5.09, Wis. Adm. Code, are met.

General Information

The WATERWAY MARKER APPLICATION AND PERMIT, Form 8700-58, is an application to place waterway markers. When fully completed, it becomes a permit to place the markers, or a notice of discontinuing placement of markers or a notice of a change in the placement of markers in a previous permit.

The municipality having jurisdiction over the water where the markers are placed must approve the permit issuance. The Department of Natural Resources (DNR) must approve the application prior to it becoming effective.

AIDS TO NAVIGATION and REGULATORY MARKERS (Boat Excluded, Controlled Area, Hazard Warning and Informational markers) may not be placed in Wisconsin waters until the permit application has been completed and this form has been approved by the DNR.

MOORING BUOYS may or may not need Department approval or SECTION 3 completed depending on the criteria in s. 30.772, Wis. Stats., or the existence of an approved mooring ordinance.

Generally, only municipalities may be the applicant for Aids to Navigation, Controlled Area and Boat Excluded markers.

EXCEPTION: Swimming area buoys can be approved for placement in conjunction with bathing beaches operated by resorts, clubs, civic organizations where they are open to the public or used by large numbers of people.

Municipalities, individuals, resorts, clubs, civic organizations, etc. may be the applicant for Hazard Warning and Informational markers.

Municipalities may contract with individuals, clubs and other organizations to buy, maintain and place Aids to Navigation and regulatory markers. The municipality maintains responsibility.

For unique circumstances, check with your local DNR Warden or your DNR Regional Recreation Safety Warden.

Instructions For Completing the Form

Indicate if application and permit is for a first time placement; a discontinuation, or a change of a current permit.

Jurisdiction - Identify the (City, Town or Village) of (Name of Municipality) having jurisdiction over the water and the County of (Name of County) where the markers will be or are currently located.

Section 1 - Applicant and Section 2 - Property Owner

If the applicant or property owner is a municipality, business, club, etc., use this name in the "Applicant's Name" block. Name of Waterbody and Location of Marker(s) must be completed.

Section 2 - Property Owner

Must be completed depending on the type of markers the permit is an application for.

Type of Markers and Quantity

1. Locate the type of markers and fill in the quantity.
2. Provide the message to be placed on the marker if the markers are Controlled Area, Hazard Warning or Informational.
3. Remarks: Indicate if the marker is a sign or buoy or has unique characteristics.
4. Describe the exact message that will be written on the marker if non-standard or sign(s).

Section 3 - Local Government Authorization

Must be completed by an officer or representative of the local government or State Agency with local jurisdiction. Approval signature must be an officer of the local jurisdiction even if applicant and local jurisdiction are the same governing body.

Diagram(s) and Map(s) must:

1. Allow a person to locate where the markers are placed or will be placed.
2. Show the relation of the markers from some fixed reference point. Distances in feet must be shown from fixed reference point(s) and in relation to each marker.
3. Show the relationship of the markers to other riparian owners, significant objects and water areas.
4. Must be as accurate as possible. GPS or Land coordinates of each marker are preferred.

Upon completion of Section 1 and 2 (if necessary), forward the application to your local municipality for completion of Section 3. They must then forward it to the Department of Natural Resources.

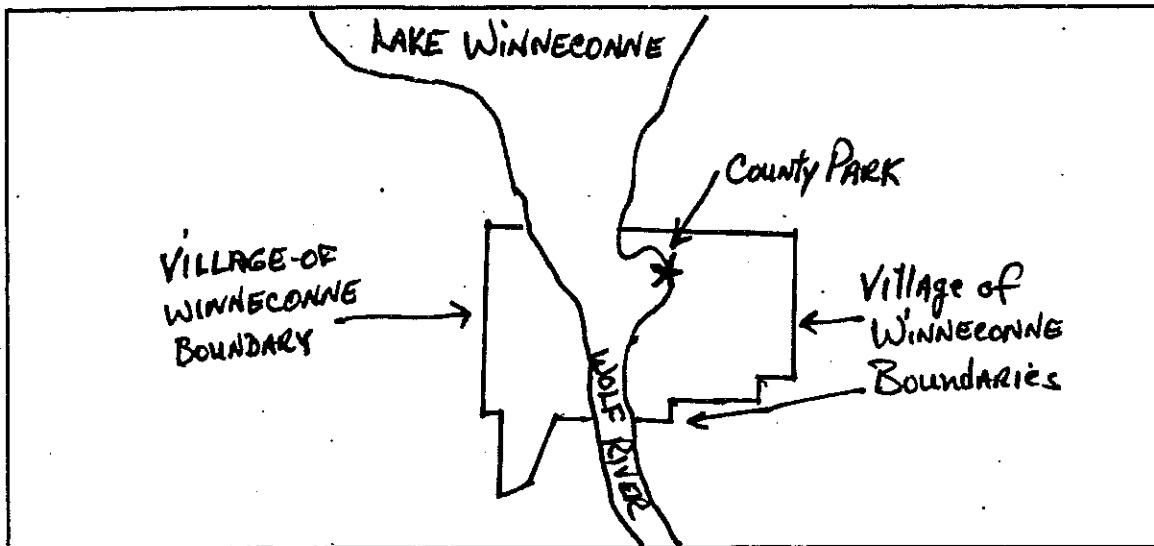
If you have problems completing this form, consult with your local Warden or your Recreation Safety Warden.

DRAWINGS AND MAPS FOR WATERWAY MARKER APPLICATIONS

Drawings must show the location of the marker(s) from one or more fixed object whose precise location is known. This would enable a person to take the Waterway Marker Application and the attached map, and find the permanent fixed object, and from there, would be able to locate the waterway marker(s).

If the markers restrict or prohibit operation of a motorboat (such as a swim area), the restricted area must be very noticeable to a boater. In most of these situations, more than one waterway marker will be needed.

Usually the drawing criteria can be satisfied by marking on a map of some type, the precise location of the area and then drawing or producing an additional map that shows the location of the marker(s) from the fixed object. GPS readings are the best form to indicate the location of the intended waterway marker locations.



A = Point from which measurements are taken from a permanent Steel post in the ground.

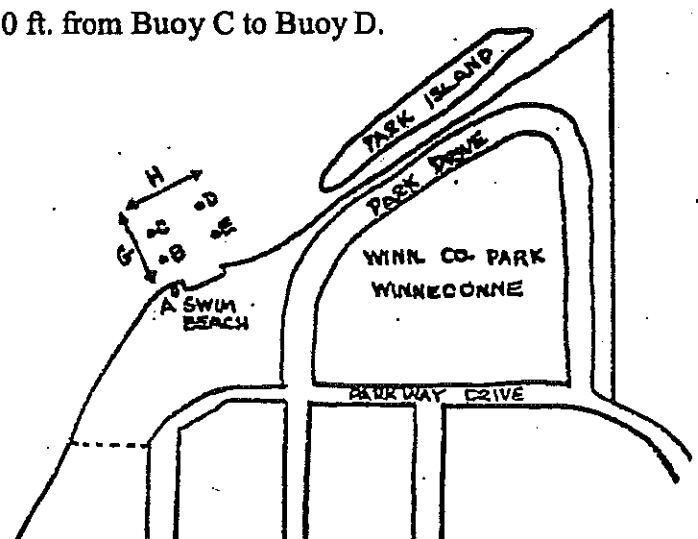
Points B, C, D, & E, would be the swimming beach area buoy markers.

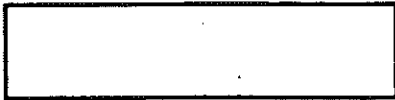
Arrow G is the indicator of the designated Swim area depth of 120 ft. from Point A to Point C

Arrow H is the indicator of the Swim area width of 80 ft. from Buoy C to Buoy D.

Buoy placement as follows:

- Distance from Point A to Point B would be 60 ft.
- Distance from Point B to Point C would be 60 ft.
- Distance from Point C to Point D would be 80 ft.
- Distance from Point D to Point E would be 60 ft.
- Distance from Point E to Point B would be 80 ft.
- Distance from Point E to the shore would be 60 ft.





Requirements for individual moorings are found in s. 30.772 Wis. Stats. The Department will not consider this form unless it is used in conjunction with a Waterway Marker Application, Form 8700-58.

Moorings are placed in the water to aid in navigating the waters of the state. Moorings require a demonstratable need to further navigation and are not solely for the convenience of the applicant. The benefits of aiding navigation must outweigh the danger to public health, safety and welfare of placing the mooring. The mooring must meet the lighting requirements of ss. 30.772 or 30.61(6)(a), Wis. Stats. The mooring must not be a hazard to navigation or interfere with the public right of navigation.

Mooring Information

1. The mooring is _____ ft. from shore. The riparian shore line is _____ ft. long.

2. Boat type. The boat to be attached to the mooring must be of a configuration that requires a mooring.

Type of boat _____ Boat Number _____

Length _____ ft. Weight _____ lbs. Draft _____ ft. _____ in.

3. Trallerability. How difficult is it to transport the boat for water sports?

___ No Problem ___ Some Difficulty ___ Moderate Difficulty ___ Severe Difficulty

4. What is the minimum distance between the bottom of the boat and the lake/river bottom, when the boat swings full circle around the mooring buoy? _____ ft.

5. Mooring diagrams.

Diagram of the Mooring

(back of the sheet)

Draw diagrams to scale or as close to scale as possible. Show important distances on the diagrams.

1. Location Diagram.

a. The location of the mooring in relation to the lake, fixed points on shore and any piers, rafts and other moorings.

b. Show the maximum swing of the boat on the mooring.

2. Cross Section Diagram.

The boat bottom in relation to the lake/river bottom, at the minimum distance when the boat swings full circle around the mooring buoy.

Location Diagram

Cross Section Diagram

ESTABLISHING A SLALOM COURSE

The following are the steps necessary for application for a slalom permit.

1. If your slalom course involves the placement of a structure on the bed of the waterbody, you must contact the Area Water Management Specialist at your DNR Region office who will help you begin the process to obtain a Chapter 30.12, Wis. Stats., permit.
2. Complete Section I of Form 8700-58. In section I of the form, you must receive the written signature(s) of the riparian owner(s) whose property the course will lie in front of. If there is more than one riparian owner involved, simply write "See Attached" in the property owner section of the form and attach a separate sheet containing names, addresses, phone numbers and signatures of all riparian owners.

If any of the riparian owners do not agree in writing to the placement of the slalom course, the application cannot be approved.

Indicate on form 8700-58 the number of informational buoys which will be used to mark the boundaries of the slalom course and also the number of slalom course buoys which you plan to install (see example in this booklet). Refer to NR 5.09(7)(b), Wis. Adm. Code, (next page) which specify the size and shape requirements for the actual slalom buoys.

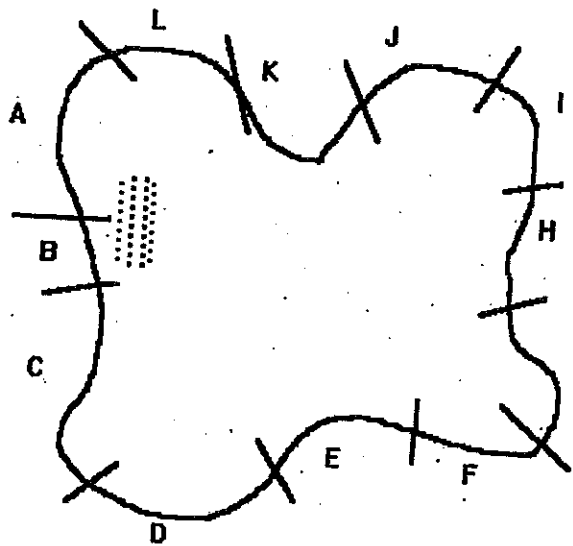
3. Attach map(s) showing the configuration of the buoys with the GPS Coordinates for the slalom course boundary markers or provide the exact measurements from one or more permanently fixed objects. You need to include on the map(s) the property boundaries and owner's names of the riparian properties which the slalom course will lie in front of. See the attached diagrams on the next page which demonstrate how to determine riparian boundaries.
4. Take the DNR Form 8700-58, together with the map(s) and the riparian signatures, to the political subdivision having jurisdiction over the waterbody. The local jurisdiction must complete Section II of the form. If there is no local approval, the permit application will not be approved.
5. The completed, signed application, with the map(s), riparian signatures, and the approved Chapter 30.12 permit (for placement of the structure on the water body bed), to your local conservation warden for review. The local warden will indicate his/her approval or disapproval, and forward the application on to the Regional Recreation Safety Warden.

If you have further questions, you will need to contact your local warden or the Regional Recreation Safety Warden assigned to your county (see the map on the inside of the back cover to this document).

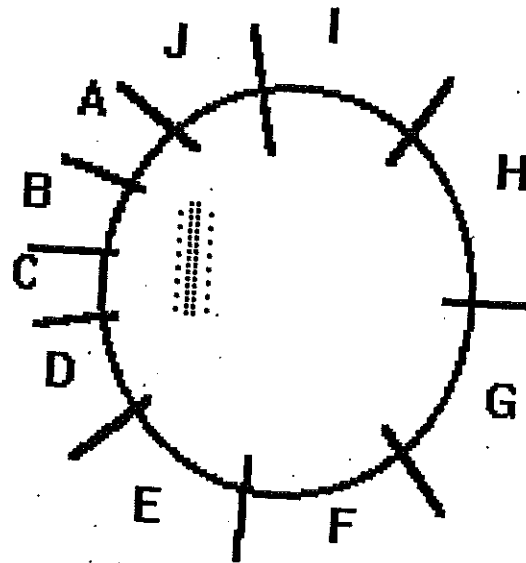
NR 5.09(7)(b) Race course markers including water ski and slalom markers. In order that race course, water ski and slalom buoys are not mistaken for aids to navigation or regulatory markers, they shall:

1. Extend a minimum of 4 inches above the waterline and be yellow, green, florescent red or florescent orange in color;
2. Be spherical or cylindrical in shape with a minimum diameter of 8 ¾ inches and a maximum diameter no larger than 14 inches;
3. Be made of foam, plastic or rubber designed to be used as a water marker.

EXAMPLES OF DETERMINING RIPARIAN PROPERTY OWNERS



A & B riparian permission required.



A, B, C & D riparian permission required.

INFORMATIONAL BOUNDARY MARKER



These informational buoys shall be placed to mark the boundaries of the slalom course. Informational buoys shall have a minimum size of 36 inches riding above the waterline and have a diameter of 7 inches. They shall be white with orange markings and black lettering. The message "slalom course" shall be printed in black letters within the orange rectangle on both sides of the buoy.

Notice: Collection of this information is authorized under s. NR 5.09, Wis Admin. Code. Failure to provide this information may result in removal of waterway markers. Personal information collected will be used to administer the Waterway Marker Permit program and may be provided to requesters as required by Wisconsin's Open Records law [ss. 19.31-19.39, Wis. Stats.].






Instructions: Refer to instructions and requirements on the back of this form. Complete this form and send to your local conservation county warden.

ID No.	Region	<input type="checkbox"/> Placement	<input type="checkbox"/> Discontinue	<input type="checkbox"/> Change
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Jurisdiction

☐ City ☐ Town ☐ Village of _____ County of _____, Wisconsin.

Section 1: Applicant				Section 2: Property Owner			
Applicant Name				Property Owner Name			
Street Address				Street Address			
City		State	ZIP Code	City		State	ZIP Code
Telephone Number (include area code)				Telephone Number (include area code)			
Name of lake or body of water on which buoys are to be placed				I consent to the placement of water marker(s) adjacent to the waters of my private property.			
Location of Marker(s)		1/4	1/4	Section	Township	Range E / W	Signature of Authorized Representative
							Date Signed

Type of Marker(s)	Qty.	Type of Marker(s)	Qty.	Message on Marker	Remarks
Aid to Nav. Center		Boat Excluded 			
Aid to Nav. Red		Swim Area 		SWIM AREA	Name of Beach:
Aid to Nav. Green		Controlled Area 			
Mooring		Hazard Warning 			
Non-standard or signs		Informational 		Slalom Course	

Describe: *Enter the number of Slalom Buoys* *Enter the number of Course Markers*

Attach diagrams and maps showing the proposed location of the marker(s). Identify the exact location of the water marker(s) in distance from one or more fixed objects, whose location is known or provide the GPS coordinates of the marker(s) placement.

The above information provided in support of the application for placement of water marker(s) is true and correct.

Applicant (Printed Name)	Signature of Applicant (Authorizing Representative)	Date Signed
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Section 3: Local Government Authorization			
<input type="checkbox"/> Approved -- The above named applicant may place and maintain, subject to DNR approval, the above described marker(s).			
<input type="checkbox"/> Disapproved -- The placement of the described marker(s) may not take place.			
Name of Local Government or State Agency	Restrictions		
	<input type="checkbox"/> None		
	<input type="checkbox"/> Yes - List restrictions:		
Approved By (Printed Name)	Title	Approved By (Signature)	Date Signed

DNR Use Only			
Warden's Recommendation	Warden's (Printed) Name	Recreation Safety Warden	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved		Signature	Date Signed
Ordinance on File	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Required	Bureau of Law Enforcement	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved
Warden's Signature	Date Signed	Signature	Date Signed

Permit Distribution: Copy 1 - Dept. of Natural Resources, Copy 2 - Local Government, Copy 3 - Permittee, Copy 4 - RSW.

Waterway marker(s) may not be placed until all the requirements of Section NR 5.09, Wis. Adm. Code, are met.

WISCONSIN STATE STATUTES

ss. 30.73 – 30.99

The following pages provide information that should be used as reference for your local ordinance writing and waterway maker (buoy) placement permit application.

The following pages are not a complete set of the Wisconsin Statutes which apply to the Wisconsin Boating laws.

You will need to contact the following web sites at:

<http://www.wisconsin.gov>

or

<http://www.dnr.state.wi.us/>

For locating a complete set of the appropriate State of Wisconsin Statutes pertaining to the Wisconsin boating laws found in Chapter 30 Wis. Stats.

safety patrol units having jurisdiction on waters of the Lower St. Croix River under s. 30.79 (3). All officers so empowered by this section may exercise reciprocal powers which may be conferred upon them by the state of Minnesota or its agencies or political subdivisions relating to enforcement of regulations governing the use or operation of boats on the Lower St. Croix River.

History: 1975 c. 208; 1985 a. 332 s. 251 (7); 1989 a. 159; 1999 a. 150 s. 672.

NOTE: Chapter 208, laws of 1975, which created this section, contains a statement of legislative purpose in section 1. See the 1975 session law volume.

Cross Reference: See also ss. NR 5.30, 5.31, 5.32, 5.33, 5.34, and 5.36, Wis. adm. code.

30.73 Use regulations, Brule River. (1) PROHIBITED USES. No person may operate, occupy or use any motorboat or any pneumatic inner tube, inflatable raft or similar device on the Brule River or any of its stream tributaries in Douglas County. This subsection does not prohibit a person from operating, occupying or using a noninflatable nonmotorized boat, canoe or kayak.

(2) EXCEPTIONS. Subsection (1) does not apply to:

(a) Peace officers or rescue units engaged in emergency operations.

(b) Agents of the department while engaged in fish management or law enforcement activities.

(c) Persons on the Brule River within one mile of its mouth.

(3) ENFORCEMENT; LITTERING. The department shall enforce this section and restrictions on littering in the area of the Brule River and its stream tributaries in Douglas County.

(4) PENALTY. A person who violates this section is subject to the penalties provided under s. 30.80 (1).

History: 1981 c. 303.

30.74 Additional functions of department. (1) BOATING SAFETY PROGRAMS. (a) The department shall create comprehensive courses on boating safety and operation. These courses shall be offered in cooperation with schools, private clubs and organizations, and may be offered by the department in areas where requested and where other sponsorship is unavailable. The department shall issue certificates to persons 10 years of age or older successfully completing such courses. The department shall prescribe the course content and the form of the certificate.

(am) The department may promulgate rules to establish minimum standards and procedures for the instruction given under s. 30.625 (1) (a).

(b) The department by rule shall set the instruction fee for the course. A person conducting a course or giving instruction under this subsection shall collect the instruction fee from each person who receives instruction. The department may determine the portion of this fee, which may not exceed 50%, that the person may retain to defray expenses incurred by the person in conducting the course or giving the instruction. The person shall remit the remainder of the fee or, if nothing is retained, the entire fee to the department. The department shall issue a duplicate certificate of accomplishment to a person who is entitled to a duplicate certificate of accomplishment and who pays a fee of \$2.75.

(bn) A certificate issued to a person under this subsection is valid for life unless revoked by a court under s. 30.80 (2m) or (6) (e) or 938.343 (5).

(c) A valid certificate issued by another state, as defined in s. 115.46 (2) (f), or a province of Canada that is held by a person will be honored if the course content substantially meets that established by the department.

(d) The department shall also prepare and disseminate information on water safety to the public, including the informational pamphlets specified in s. 30.52 (5) (a) 4. and (b) 3.

(2) UNIFORM NAVIGATION AIDS. (a) The department by rule shall establish uniform marking of the water areas of this state through the placement of aids to navigation and regulatory markers. These rules shall establish a marking system compatible with the system of aids to navigation prescribed by the U.S. coast guard and shall give due regard to the system of uniform waterway

markers approved by the advisory panel of state officials to the merchant marine council, U.S. coast guard. No municipality or person may mark the waters of this state in any manner in conflict with the marking system prescribed by the department. Any regulatory marker or aid to navigation that does not comply with this marking system is considered an unlawful obstruction to navigable waters and may be removed in accordance with law. The department may not prohibit the placement of a regulatory marker or an aid to navigation if it complies with this marking system and if it is being placed pursuant to an ordinance that has been enacted in compliance with s. 30.77.

(b) For purposes of this section "aids to navigation" means buoys, beacons and other fixed objects in the water which are used to mark obstructions to navigation or to direct navigation through safe channels; "regulatory markers" means any anchored or fixed marker in the water or anchored platform on the surface of the water, other than aids to navigation, and shall include but not be limited to bathing beach markers, speed zone markers, information markers, mooring buoys, fishing buoys and restricted activity area markers.

(3) ENFORCEMENT. The department shall assist in the enforcement of ss. 30.50 to 30.80 and in connection therewith maintain patrol boats and operate such patrol boats at such times and places as the department deems necessary in the interest of boating safety and the effective enforcement of boating laws.

History: 1973 c. 302; 1983 a. 27 s. 2202 (38); 1995 a. 152; 1997 a. 198; 1999 a. 9; 2005 a. 356 ss. 1e, 10g, 10i; 2007 a. 20.

Cross Reference: See also ss. NR 5.09 and 5.18, Wis. adm. code.

30.742 Water exhibitions and races; rules. For water exhibitions or races, the department may promulgate rules that provide exemptions from any of the requirements or restrictions under s. 30.61, 30.62, 30.65, 30.66, 30.678, 30.68 or 30.69.

History: 1991 a. 257; 2005 a. 356.

30.745 Limited jurisdiction for administration and enforcement of navigation aids by municipalities.

(1) DEFINITIONS. As used in this section:

(a) "Adjacent outlying waters" means the outlying waters adjacent to the boundaries of a municipality and extending outward for a distance of one-half mile.

(b) "Municipality" means any town, village or city.

(2) EXERCISE OF LIMITED JURISDICTION. (a) *Authority to enact ordinances.* A municipality may enact by ordinance a navigation aids system and regulations affecting moorings, markers and buoys in adjacent outlying waters if the system and regulations are not in conflict with the uniform navigation aids system established by the department under s. 30.74 (2) or with any county ordinance.

(b) *Conflicts.* Any municipal ordinance enacted under this section which conflicts with the uniform navigation aids system established by the department under s. 30.74 (2) or with any county ordinance is void.

(c) *Administration and enforcement.* A municipality may exercise jurisdiction over adjacent outlying waters for the purpose of administering and enforcing an ordinance enacted under this section.

History: 1981 c. 222; 1983 a. 27 s. 2202 (38); 1997 a. 248.

30.75 Service of process on nonresident. (1) HOW SERVED. Service of process upon a nonresident defendant in any action claiming injury to person or property arising out of the operation of a boat in this state may be either by personal service within or without this state or by registered mail as provided in sub. (2).

(2) SERVICE BY REGISTERED MAIL. If service of process is to be by registered mail, the original and necessary copies of the summons shall be left with the clerk of circuit court in which the action is to be brought, together with a sum of 75 cents to cover the cost of mailing. The clerk of circuit court shall mail a copy to the defendant at the defendant's last address as known to the plaintiff or clerk of circuit court, with the return receipt signed by the

30.75 NAVIGABLE WATERS, HARBORS AND NAVIGATION

addressee requested. Service of the summons is considered completed when it is mailed. The clerk of circuit court shall enter upon the court record the date when the summons is mailed and the name of the person to whom mailed.

History: 1991 a. 316; 1995 a. 224.

30.77 Local regulation of boating. (1) LOCAL REGULATION PROHIBITED; EXCEPTIONS. Sections 30.50 to 30.71 shall be uniform in operation throughout the state. No municipality, public inland lake protection and rehabilitation district or town sanitary district may:

(a) Enact any ordinance or local regulation requiring local numbering, registration or licensing of boats or any ordinance or local regulation charging fees for inspection, except as provided in sub. (3) (e); or

(b) Except as provided in subs. (2) and (3), enact any ordinance or local regulation that in any manner excludes any boat from the free use of the waters of this state or that pertains to the use, operation or equipment of boats or which governs any activity regulated by ss. 30.50 to 30.71.

(2) **ORDINANCES CONFORMING TO STATE LAW.** Any municipality may enact ordinances which are in strict conformity with ss. 30.50 to 30.71 or rules of the department promulgated under those sections.

(3) **ORDINANCES.** (a) Any town, village or city may, in the interest of public health, safety or welfare, including the public's interest in preserving the state's natural resources, enact ordinances applicable on any waters of this state within its jurisdiction if the ordinances are not contrary to or inconsistent with this chapter and if the ordinances relate to the equipment, use or operation of boats or to any activity regulated by ss. 30.60 to 30.71.

(ac) Except as provided under s. 33.455 (3) (b), no ordinance that pertains to the equipment, use or operation of a boat on an inland lake is valid unless one of the following occurs:

1. All towns, villages and cities having jurisdiction over the lake have enacted an identical ordinance.

2. At least 50% of the towns, villages and cities having jurisdiction over the lake have enacted an identical ordinance and at least 60% of the footage of shoreline of the lake is within the boundaries of these towns, villages and cities.

(ac) If a town, village or city proposes to amend or repeal an ordinance that it enacted under par. (ac), and if the amendment or repeal will result in less than 50% of the towns, villages or cities with jurisdiction over the lake still having in effect the current ordinance or if the amendment or repeal will result in less than 60% of the footage of shoreline of the lake being within the boundaries of the towns, villages and cities with the current ordinance still in effect, the town, village or city proposing the amendment or repeal shall hold a hearing on the issue at least 30 days before the amendment or repeal will take effect and shall give notice as required under par. (aw) 2. If, after holding the hearing, the town, village or city amends or repeals the ordinance that it enacted under par. (ac), all of the identical ordinances are void.

(am) 1. A public inland lake protection and rehabilitation district may, in the interest of public health, safety or welfare, including the public's interest in preserving the state's natural resources, enact and enforce ordinances applicable to a lake entirely within its boundaries if one of the following occurs:

a. Each town, village and city having jurisdiction over the lake adopts a resolution authorizing the lake district to do so.

b. At least 50% of the towns, villages and cities having jurisdiction over the lake adopt resolutions authorizing the lake district to enact and enforce ordinances, and at least 60% of the footage of shoreline of the lake is within the boundaries of these towns, villages and cities.

1m. A town sanitary district may, in the interest of public health, safety or welfare, including the public's interest in preserving the state's natural resources, enact and enforce ordinances applicable to a lake if at least 60% of the footage of shoreline of

the lake is within its boundaries, if no public inland lake protection and rehabilitation district has in effect any ordinances enacted under subd. 1, for the lake and if any one of the following occurs:

a. Each town, village and city having jurisdiction over the lake adopts a resolution authorizing the town sanitary district to do so.

b. At least 50% of the towns, villages and cities having jurisdiction over the lake adopt resolutions authorizing the town sanitary district to enact and enforce ordinances, and at least 60% of the footage of shoreline of the lake is within the boundaries of these towns, villages and cities.

2. An ordinance enacted under subd. 1. or 1m. may not be contrary to or inconsistent with this chapter and shall relate to the equipment, use or operation of boats or to an activity regulated by ss. 30.60 to 30.71.

3. If a public inland lake protection and rehabilitation district enacts an ordinance under this paragraph, the lake district ordinance supersedes all conflicting provisions of a town, village or city ordinance enacted under par. (a) that are applicable to the lake.

3m. If a town sanitary district enacts an ordinance under this paragraph, the town sanitary district ordinance supersedes all conflicting provisions of a town, village or city ordinance enacted under par. (a) that are applicable to the lake.

3r. If a public inland lake protection and rehabilitation district is created for an inland lake after a town sanitary district has enacted ordinances under subd. 1m. for the lake, any ordinances enacted by the public inland lake protection and rehabilitation district supersede all of the following:

a. Any conflicting provisions of a town, village or city ordinance enacted under par. (a) that are applicable to the lake.

b. Any conflicting provisions of a town sanitary district ordinance enacted under subd. 1m. that are applicable to the lake.

4. If a town, village or city proposes to rescind a resolution that it adopted under subd. 1. or 1m., and if the rescission will result in less than 50% of the towns, villages or cities with jurisdiction over the lake still having in effect resolutions adopted under subd. 1. or 1m. or will result in less than 60% of the footage of shoreline of the lake being within the boundaries of the towns, villages and cities with resolutions still in effect, the town, village or city proposing to rescind the resolution shall hold a hearing on the rescission at least 30 days before the rescission will take effect and shall give notice as required under par. (aw) 2. If, after holding the hearing, the town, village or city rescinds the resolution that it adopted under subd. 1. or 1m., the public inland lake protection and rehabilitation district ordinances or the town sanitary district ordinances are void.

(aw) 1. If one or more towns, villages or cities propose to enact an ordinance for an inland lake under par. (ac) 2. or a public inland lake protection and rehabilitation district or town sanitary district proposes to enact an ordinance for an inland lake under par. (am) 1. b. or 1m. b., it shall hold a public hearing on the proposed ordinance at least 30 days before its enactment.

2. The town, village or city that has the most footage of shoreline of the lake within its boundaries and that is supporting the proposal shall publish a notice of the public hearing under subd. 1. or par. (ae) or (am) 4. at least 30 days before the date of the hearing in one or more newspapers likely to give notice of the hearing in all towns, villages or cities that have jurisdiction over the lake. The notice shall be a class 1 notice under ch. 985. The town, village or city publishing the notice shall send a copy of the notice at least 30 days before the date of the hearing to the department, each municipality having jurisdiction over the lake and each lake association for the lake.

(b) Any county may, in the interest of public health, safety or welfare, including the public's interest in preserving the state's natural resources, enact an ordinance applicable on any river or stream within its jurisdiction if the ordinance is not contrary to or inconsistent with this chapter, and if the ordinance relates to the equipment, use or operation of boats or to any activity regulated

WISCONSIN STATE STATUTES

ss. 30.73 – 30.99

The following pages provide information that should be used as reference for your local ordinance writing and waterway maker (buoy) placement permit application.

The following pages are not a complete set of the Wisconsin Statutes which apply to the Wisconsin Boating laws.

You will need to contact the following web sites at:

<http://www.wisconsin.gov>

or

<http://www.dnr.state.wi.us/>

For locating a complete set of the appropriate State of Wisconsin Statutes pertaining to the Wisconsin boating laws found in Chapter 30 Wis. Stats.

safety patrol units having jurisdiction on waters of the Lower St. Croix River under s. 30.79 (3). All officers so empowered by this section may exercise reciprocal powers which may be conferred upon them by the state of Minnesota or its agencies or political subdivisions relating to enforcement of regulations governing the use or operation of boats on the Lower St. Croix River.

History: 1975 c. 208; 1985 a. 332 s. 251 (7); 1989 a. 159; 1999 a. 150 s. 672.

NOTE: Chapter 208, laws of 1975, which created this section, contains a statement of legislative purpose in section 1. See the 1975 session law volume.

Cross Reference: See also ss. NR 5.30, 5.31, 5.32, 5.33, 5.34, and 5.36, Wis. adm. code.

30.73 Use regulations, Brule River. (1) PROHIBITED USES. No person may operate, occupy or use any motorboat or any pneumatic inner tube, inflatable raft or similar device on the Brule River or any of its stream tributaries in Douglas County. This subsection does not prohibit a person from operating, occupying or using a noninflatable nonmotorized boat, canoe or kayak.

(2) EXCEPTIONS. Subsection (1) does not apply to:

(a) Peace officers or rescue units engaged in emergency operations.

(b) Agents of the department while engaged in fish management or law enforcement activities.

(c) Persons on the Brule River within one mile of its mouth.

(3) ENFORCEMENT; LITTERING. The department shall enforce this section and restrictions on littering in the area of the Brule River and its stream tributaries in Douglas County.

(4) PENALTY. A person who violates this section is subject to the penalties provided under s. 30.80 (1).

History: 1981 c. 303.

30.74 Additional functions of department. (1) BOATING SAFETY PROGRAMS. (a) The department shall create comprehensive courses on boating safety and operation. These courses shall be offered in cooperation with schools, private clubs and organizations, and may be offered by the department in areas where requested and where other sponsorship is unavailable. The department shall issue certificates to persons 10 years of age or older successfully completing such courses. The department shall prescribe the course content and the form of the certificate.

(am) The department may promulgate rules to establish minimum standards and procedures for the instruction given under s. 30.625 (1) (a).

(b) The department by rule shall set the instruction fee for the course. A person conducting a course or giving instruction under this subsection shall collect the instruction fee from each person who receives instruction. The department may determine the portion of this fee, which may not exceed 50%, that the person may retain to defray expenses incurred by the person in conducting the course or giving the instruction. The person shall remit the remainder of the fee or, if nothing is retained, the entire fee to the department. The department shall issue a duplicate certificate of accomplishment to a person who is entitled to a duplicate certificate of accomplishment and who pays a fee of \$2.75.

(bn) A certificate issued to a person under this subsection is valid for life unless revoked by a court under s. 30.80 (2m) or (6) (e) or 938.343 (5).

(c) A valid certificate issued by another state, as defined in s. 115.46 (2) (f), or a province of Canada that is held by a person will be honored if the course content substantially meets that established by the department.

(d) The department shall also prepare and disseminate information on water safety to the public, including the informational pamphlets specified in s. 30.52 (5) (a) 4. and (b) 3.

(2) UNIFORM NAVIGATION AIDS. (a) The department by rule shall establish uniform marking of the water areas of this state through the placement of aids to navigation and regulatory markers. These rules shall establish a marking system compatible with the system of aids to navigation prescribed by the U.S. coast guard and shall give due regard to the system of uniform waterway

markers approved by the advisory panel of state officials to the merchant marine council, U.S. coast guard. No municipality or person may mark the waters of this state in any manner in conflict with the marking system prescribed by the department. Any regulatory marker or aid to navigation that does not comply with this marking system is considered an unlawful obstruction to navigable waters and may be removed in accordance with law. The department may not prohibit the placement of a regulatory marker or an aid to navigation if it complies with this marking system and if it is being placed pursuant to an ordinance that has been enacted in compliance with s. 30.77.

(b) For purposes of this section "aids to navigation" means buoys, beacons and other fixed objects in the water which are used to mark obstructions to navigation or to direct navigation through safe channels; "regulatory markers" means any anchored or fixed marker in the water or anchored platform on the surface of the water, other than aids to navigation, and shall include but not be limited to bathing beach markers, speed zone markers, information markers, mooring buoys, fishing buoys and restricted activity area markers.

(3) ENFORCEMENT. The department shall assist in the enforcement of ss. 30.50 to 30.80 and in connection therewith maintain patrol boats and operate such patrol boats at such times and places as the department deems necessary in the interest of boating safety and the effective enforcement of boating laws.

History: 1973 c. 302; 1983 a. 27 s. 2202 (38); 1995 a. 152; 1997 a. 198; 1999 a. 9; 2005 a. 356 ss. 1e, 10g, 10i; 2007 a. 20.

Cross Reference: See also ss. NR 5.09 and 5.18, Wis. adm. code.

30.742 Water exhibitions and races; rules. For water exhibitions or races, the department may promulgate rules that provide exemptions from any of the requirements or restrictions under s. 30.61, 30.62, 30.65, 30.66, 30.678, 30.68 or 30.69.

History: 1991 a. 257; 2005 a. 356.

30.745 Limited jurisdiction for administration and enforcement of navigation aids by municipalities.

(1) DEFINITIONS. As used in this section:

(a) "Adjacent outlying waters" means the outlying waters adjacent to the boundaries of a municipality and extending outward for a distance of one-half mile.

(b) "Municipality" means any town, village or city.

(2) EXERCISE OF LIMITED JURISDICTION. (a) *Authority to enact ordinances.* A municipality may enact by ordinance a navigation aids system and regulations affecting moorings, markers and buoys in adjacent outlying waters if the system and regulations are not in conflict with the uniform navigation aids system established by the department under s. 30.74 (2) or with any county ordinance.

(b) *Conflicts.* Any municipal ordinance enacted under this section which conflicts with the uniform navigation aids system established by the department under s. 30.74 (2) or with any county ordinance is void.

(c) *Administration and enforcement.* A municipality may exercise jurisdiction over adjacent outlying waters for the purpose of administering and enforcing an ordinance enacted under this section.

History: 1981 c. 222; 1983 a. 27 s. 2202 (38); 1997 a. 248.

30.75 Service of process on nonresident. (1) HOW SERVED. Service of process upon a nonresident defendant in any action claiming injury to person or property arising out of the operation of a boat in this state may be either by personal service within or without this state or by registered mail as provided in sub. (2).

(2) SERVICE BY REGISTERED MAIL. If service of process is to be by registered mail, the original and necessary copies of the summons shall be left with the clerk of circuit court in which the action is to be brought, together with a sum of 75 cents to cover the cost of mailing. The clerk of circuit court shall mail a copy to the defendant at the defendant's last address as known to the plaintiff or clerk of circuit court, with the return receipt signed by the

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addressee requested. Service of the summons is considered completed when it is mailed. The clerk of circuit court shall enter upon the court record the date when the summons is mailed and the name of the person to whom mailed.

History: 1991 a. 316; 1995 a. 224.

30.77 Local regulation of boating. (1) LOCAL REGULATION PROHIBITED; EXCEPTIONS. Sections 30.50 to 30.71 shall be uniform in operation throughout the state. No municipality, public inland lake protection and rehabilitation district or town sanitary district may:

(a) Enact any ordinance or local regulation requiring local numbering, registration or licensing of boats or any ordinance or local regulation charging fees for inspection, except as provided in sub. (3) (e); or

(b) Except as provided in subs. (2) and (3), enact any ordinance or local regulation that in any manner excludes any boat from the free use of the waters of this state or that pertains to the use, operation or equipment of boats or which governs any activity regulated by ss. 30.50 to 30.71.

(2) ORDINANCES CONFORMING TO STATE LAW. Any municipality may enact ordinances which are in strict conformity with ss. 30.50 to 30.71 or rules of the department promulgated under those sections.

(3) ORDINANCES. (a) Any town, village or city may, in the interest of public health, safety or welfare, including the public's interest in preserving the state's natural resources, enact ordinances applicable on any waters of this state within its jurisdiction if the ordinances are not contrary to or inconsistent with this chapter and if the ordinances relate to the equipment, use or operation of boats or to any activity regulated by ss. 30.60 to 30.71.

(ac) Except as provided under s. 33.455 (3) (b), no ordinance that pertains to the equipment, use or operation of a boat on an inland lake is valid unless one of the following occurs:

1. All towns, villages and cities having jurisdiction over the lake have enacted an identical ordinance.

2. At least 50% of the towns, villages and cities having jurisdiction over the lake have enacted an identical ordinance and at least 60% of the footage of shoreline of the lake is within the boundaries of these towns, villages and cities.

(ac) If a town, village or city proposes to amend or repeal an ordinance that it enacted under par. (ac), and if the amendment or repeal will result in less than 50% of the towns, villages or cities with jurisdiction over the lake still having in effect the current ordinance or if the amendment or repeal will result in less than 60% of the footage of shoreline of the lake being within the boundaries of the towns, villages and cities with the current ordinance still in effect, the town, village or city proposing the amendment or repeal shall hold a hearing on the issue at least 30 days before the amendment or repeal will take effect and shall give notice as required under par. (aw) 2. If, after holding the hearing, the town, village or city amends or repeals the ordinance that it enacted under par. (ac), all of the identical ordinances are void.

(am) 1. A public inland lake protection and rehabilitation district may, in the interest of public health, safety or welfare, including the public's interest in preserving the state's natural resources, enact and enforce ordinances applicable to a lake entirely within its boundaries if one of the following occurs:

a. Each town, village and city having jurisdiction over the lake adopts a resolution authorizing the lake district to do so.

b. At least 50% of the towns, villages and cities having jurisdiction over the lake adopt resolutions authorizing the lake district to enact and enforce ordinances, and at least 60% of the footage of shoreline of the lake is within the boundaries of these towns, villages and cities.

1m. A town sanitary district may, in the interest of public health, safety or welfare, including the public's interest in preserving the state's natural resources, enact and enforce ordinances applicable to a lake if at least 60% of the footage of shoreline of

the lake is within its boundaries, if no public inland lake protection and rehabilitation district has in effect any ordinances enacted under subd. 1, for the lake and if any one of the following occurs:

a. Each town, village and city having jurisdiction over the lake adopts a resolution authorizing the town sanitary district to do so.

b. At least 50% of the towns, villages and cities having jurisdiction over the lake adopt resolutions authorizing the town sanitary district to enact and enforce ordinances, and at least 60% of the footage of shoreline of the lake is within the boundaries of these towns, villages and cities.

2. An ordinance enacted under subd. 1. or 1m. may not be contrary to or inconsistent with this chapter and shall relate to the equipment, use or operation of boats or to an activity regulated by ss. 30.60 to 30.71.

3. If a public inland lake protection and rehabilitation district enacts an ordinance under this paragraph, the lake district ordinance supersedes all conflicting provisions of a town, village or city ordinance enacted under par. (a) that are applicable to the lake.

3m. If a town sanitary district enacts an ordinance under this paragraph, the town sanitary district ordinance supersedes all conflicting provisions of a town, village or city ordinance enacted under par. (a) that are applicable to the lake.

3r. If a public inland lake protection and rehabilitation district is created for an inland lake after a town sanitary district has enacted ordinances under subd. 1m. for the lake, any ordinances enacted by the public inland lake protection and rehabilitation district supersede all of the following:

a. Any conflicting provisions of a town, village or city ordinance enacted under par. (a) that are applicable to the lake.

b. Any conflicting provisions of a town sanitary district ordinance enacted under subd. 1m. that are applicable to the lake.

4. If a town, village or city proposes to rescind a resolution that it adopted under subd. 1. or 1m., and if the rescission will result in less than 50% of the towns, villages or cities with jurisdiction over the lake still having in effect resolutions adopted under subd. 1. or 1m. or will result in less than 60% of the footage of shoreline of the lake being within the boundaries of the towns, villages and cities with resolutions still in effect, the town, village or city proposing to rescind the resolution shall hold a hearing on the rescission at least 30 days before the rescission will take effect and shall give notice as required under par. (aw) 2. If, after holding the hearing, the town, village or city rescinds the resolution that it adopted under subd. 1. or 1m., the public inland lake protection and rehabilitation district ordinances or the town sanitary district ordinances are void.

(aw) 1. If one or more towns, villages or cities propose to enact an ordinance for an inland lake under par. (ac) 2. or a public inland lake protection and rehabilitation district or town sanitary district proposes to enact an ordinance for an inland lake under par. (am) 1. b. or 1m. b., it shall hold a public hearing on the proposed ordinance at least 30 days before its enactment.

2. The town, village or city that has the most footage of shoreline of the lake within its boundaries and that is supporting the proposal shall publish a notice of the public hearing under subd. 1. or par. (ae) or (am) 4. at least 30 days before the date of the hearing in one or more newspapers likely to give notice of the hearing in all towns, villages or cities that have jurisdiction over the lake. The notice shall be a class 1 notice under ch. 985. The town, village or city publishing the notice shall send a copy of the notice at least 30 days before the date of the hearing to the department, each municipality having jurisdiction over the lake and each lake association for the lake.

(b) Any county may, in the interest of public health, safety or welfare, including the public's interest in preserving the state's natural resources, enact an ordinance applicable on any river or stream within its jurisdiction if the ordinance is not contrary to or inconsistent with this chapter, and if the ordinance relates to the equipment, use or operation of boats or to any activity regulated

by ss. 30.60 to 30.71. If a county enacts an ordinance under this paragraph, the county ordinance supersedes all provisions of a town, village or city ordinance enacted under par. (a) that is inconsistent with the county ordinance.

(c) If any county operates any marina development adjacent to any waters of this state, the authority conferred upon any town, village or city under par. (a) shall exclusively vest in the county in respect to enactment of local ordinances that relate to the development, operation and use of the marina facility and its adjoining waters.

(cm) In enacting ordinances under par. (a), (am) or (b) for a given body of water, municipalities and public inland lake protection and rehabilitation districts shall take into account factors that include all of the following:

1. The type, size, shape and depth of the body of water and any features of special environmental significance that the body of water has.
2. The amount, type and speed of boating traffic on the body of water and boating safety and congestion.
3. The degree to which the boating traffic on the body of water affects other recreational uses and the public's health, safety and welfare, including the public's interest in preserving the state's natural resources.

(cr) The types of ordinances that may be enacted under par. (a), (am) or (b) include the following:

1. Restrictions on speed.
2. Restrictions on certain types of boating activities on all, or in specified parts, of the lake, river or stream.
3. Restrictions on certain types of boating activities during specified hours of the day or specified days of the week.

(d) Ordinances pertaining to the equipment, use or operation of boats on inland lakes shall be subject to advisory review by the department as provided under this paragraph. Proposed ordinances subject to review under this paragraph shall be submitted by the local town, village or city clerk or by the public inland lake protection and rehabilitation district or town sanitary district to the department at least 60 days prior to final action thereon by the town, village, city or district governing body. Advisory reports regarding town, village, city, lake district or town sanitary district ordinances that regulate the equipment, use or operation of boats on inland lakes shall be based on consideration of the effect of the ordinance on the state from the standpoint of uniformity and enforcement and the effect of the ordinance on an affected town, village, city, lake district or town sanitary district in view of pertinent local conditions. Advisory reports shall state in what regard such ordinances are considered consistent or inconsistent with this chapter as to public health, safety or welfare, including the public's interest in preserving the state's natural resources, and shall be accompanied by suggested changes, if any. No later than 20 days after receipt by the department of proposed ordinances, the department shall advise the town, village, city, lake district or town sanitary district in writing as to the results of its advisory review under this paragraph. The department shall address the results sent to a town, village or city to its clerk.

(dm) 1. In this paragraph:

a. "Boating organization" means a nonstock corporation organized under ch. 181 whose primary purpose is to promote boating activities.

b. "Local entity" means a city, village, town, county, qualified lake association, nonprofit conservation organization, as defined in s. 23.0955 (1), town sanitary district, public inland lake protection and rehabilitation district, or another local governmental unit, as defined in s. 66.0131 (1) (a), that is established for the purpose of lake management.

c. "Qualified lake association" means an association that meets the qualifications under s. 281.68 (3m) (a).

2. If the department or a local entity objects to an ordinance enacted under par. (a), (ac) 2. or (am) 1. b., on the grounds that all

or a portion of the ordinance is contrary to or inconsistent with this chapter, the procedure under subd. 2r. shall apply.

2g. If a local entity or a boating organization objects to an ordinance enacted under par. (a) that applies to a river or stream, or to an ordinance enacted under par. (b), on the grounds that all or a portion of the ordinance is not necessary for public health, safety, welfare or the public's interest in preserving the state's natural resources, the procedure under subd. 2r. shall apply.

2r. a. Upon receipt of an objection under subd. 2. or 2g., the department shall order a hearing on the objection under ch. 227. The hearing shall be a contested case hearing, and the administrator of the division of hearings and appeals in the department of administration shall assign a hearing examiner to the hearing as provided in s. 227.43. Persons who are not parties to the contested case may present testimony and evidence at the hearing.

b. The hearing examiner shall issue an order on the objection within 90 days after the date on which the hearing is ordered under subd. 2r. a.

c. For an objection under subd. 2., if the hearing examiner determines that the ordinance or the portion of the ordinance is contrary to or inconsistent with this chapter, the hearing examiner shall issue an order declaring the ordinance or that portion of the ordinance void. For an objection under subd. 2g., if the hearing examiner determines that the ordinance or the portion of the ordinance is not necessary for public health, safety, welfare or the public's interest in preserving the state's natural resources, the hearing examiner shall issue an order declaring the ordinance or that portion of the ordinance void. An order issued under this subd. 2r. c. shall prohibit the enforcement of all or any portion of the ordinance declared to be void.

3. The procedure under this paragraph does not supersede any other legal right or procedure that a person has to contest an ordinance enacted under this section.

(e) Notwithstanding the prohibition in sub. (1) (b) against ordinances or local regulations that exclude any boat from the free use of the waters of the state:

1. A municipality, a public inland lake protection and rehabilitation district or a town sanitary district that has in effect an ordinance under par. (am) may charge boat operators reasonable fees for any of the following:

- a. Use of a public boat launching facility that the municipality or lake district owns or operates.
- b. The municipality's or district's costs for operating or maintaining a water safety patrol unit, as defined in s. 30.79 (1) (b) 2.
- c. The municipality's or district's costs for providing other recreational boating services.

2. A town, village or city may enact ordinances to regulate the operation, equipment, use and inspection of those boats carrying passengers for hire that operate from a base within its jurisdiction and may charge reasonable fees for such inspection.

(4) PUBLICIZING ORDINANCES. All ordinances enacted under sub. (3) shall be prominently posted by the local authority which enacted them and, for ordinances enacted under sub. (3) (ac) 2., by all local authorities having jurisdiction over the lake, at all public access points within the local authority's jurisdiction and also shall be filed with the department.

History: 1973 c. 302; 1987 a. 99; 1989 a. 159, 324, 359; 1993 a. 167; 1995 a. 152, 349; 1997 a. 35; 1999 a. 9; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16.

Cross Reference: See also ss. NR 1.91, 5.15, and 5.19, Wis. adm. code.

Sub. (3) is an exception to sub. (2). A local ordinance prohibiting the operation of a motorboat on a lake on Sunday will not be held invalid pending determination of whether it is in the interest of public health or safety. *Menzer v. Elkhart Lake*, 51 Wis. 2d 70, 186 N.W.2d 290 (1971).

A village was authorized under ss. 30.77 (3) and 61.34 (1) to enact an ordinance that granted exclusive temporary use of a portion of a lake for a public water exhibition. *State v. Village of Lake Delton*, 93 Wis. 2d 78, 286 N.W.2d 622 (Ct. App. 1979).

Reasonable fees under sub. (3) (e) 1. are discussed. *Town of LaGrange v. Martin*, 169 Wis. 2d 482, 485 N.W.2d 287 (Ct. App. 1992).

DNR authority to insure free access to the state's waters implicitly extends to the shore and public access facilities. Ordinances limiting nonresident parking at boating facilities and prohibiting boat trailer parking on streets were invalid. *State v. Town of Linn*, 205 Wis. 2d 426, 556 N.W.2d 394 (Ct. App. 1996), 95-3242.

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The delegation of authority to local governments to collect boater fees for miscellaneous "recreational boating services" under ss. 30.77 (3) (e) 1. c. and 33.475 is unconstitutional. 79 Atty. Gen. 185.

30.772 Placement and use of moorings; restrictions; permits. (1) AUTHORITY. The department is authorized to regulate the placement and use of moorings.

(2) RESTRICTIONS. No mooring may be placed or used in any navigable waters if:

(a) The mooring obstructs or interferes with public rights or interest in the navigable waters.

(b) The riparian owner does not give written permission for the placement and use of the mooring.

(c) The mooring or use of the mooring interferes with the rights of other riparian owners.

(d) The mooring or use of the mooring adversely affects critical or significant fish or wildlife habitat.

(e) The mooring anchor is placed more than 150 feet from the ordinary high-water mark, or more than 200 feet from the ordinary high-water mark if sub. (3) (a) 5. applies, unless one of the following occurs:

1. A permit is obtained from the appropriate municipality and approved by the department.

2. A permit is obtained from the department.

3. The mooring is properly within a designated mooring area.

(f) The placement or use of the mooring violates a condition or restriction on a permit issued under sub. (4) or violates department rules.

(3) MUNICIPAL REGULATION OF MOORINGS; MUNICIPAL PERMITS; PROCEDURE. (a) Subject to department approval, the governing body of a municipality with jurisdiction over navigable waters may, by ordinance, adopt local regulations relative to the placement and use of moorings, including but not limited to regulations governing:

1. The number of moorings for a specific distance of frontage or within a specific area.

2. The number of boats to be attached to any mooring.

3. The distance between moorings.

4. The safe distance of moored boats from any other moored boats, properly marked and established traffic lanes, properly marked swimming or bathing areas, or structures, including piers, rafts, docks and wharves.

5. The placement or use of moorings up to 200 feet from the ordinary high-water mark, subject to all of the requirements of this section and s. 30.773, if applicable.

(am) If the governing body of a municipality adopts an ordinance under par. (a) 5., any boat moored or anchored to a mooring placed within 200 feet of the ordinary high-water mark or within a designated mooring area is not required to be lighted, as provided in s. 30.61 (6) (a), regardless of whether the moored or anchored boat drifts beyond 200 feet from the ordinary high-water mark or outside of the designated mooring area, unless the local regulations require the boat to be so lighted.

(b) The regulations shall not conflict with the uniform navigation aids system established by the department under s. 30.74 (2) or any rules adopted by the department under s. 30.74 (2).

(c) A municipality shall submit local regulations proposed under this subsection to the department at least 30 days before the municipality votes to adopt the regulations. The department shall advise the municipality in writing of its approval or disapproval of each such regulation. No regulation disapproved by the department may be adopted by the municipality. Permits issued for moorings more than 150 feet from the ordinary high-water mark, or more than 200 feet from the ordinary high-water mark if par. (a) 5. applies, shall be submitted to the department for approval unless the permit is for a mooring within a designated mooring area.

(d) The governing body of a municipality may, by ordinance, require a permit authorizing the placement and use of moorings, subject to all of the following:

1. Mooring permits shall be issued only after the governing body, or a person designated by the governing body, determines that the mooring conforms to the provisions of this section and all applicable local regulations adopted under this section.

2. Except as provided under subd. 4., if a mooring permit is issued under this section, no subsequent permit may be required unless the mooring location is changed.

3. After a mooring permit is issued, the governing body of a municipality may revoke the mooring permit if the mooring subsequently violates any provision of this section or any local regulation adopted under this section.

4. The provisions and procedures of ch. 68 shall apply to the grant, denial or revocation of a mooring permit by a municipality.

(e) Any mooring, mooring anchor or mooring buoy which is placed or used in any navigable water in violation of this section or any local regulation adopted by a municipality under this subsection constitutes a public nuisance subject to s. 30.294. A municipality may, by ordinance, provide that any person who violates any local regulation adopted under this subsection is subject to a forfeiture not to exceed \$50 for each such violation. The ordinance may also provide that each day during which the violation exists is a separate offense.

(f) In addition to, or as an alternative to, the penalties specified in par. (e), the governing body of a municipality may remove unlawful moorings as provided under and pursuant to the procedures of s. 30.13 (5m).

(4) DEPARTMENT PERMITS. The department may issue a permit authorizing the placement or use of a mooring beyond 150 feet from the ordinary high-water mark if the municipality does not have an established permit procedure, or more than 200 feet from the ordinary high-water mark if sub. (3) (a) 5. applies. The department may place conditions or restrictions on any permit issued under this subsection.

(5) EXCEPTION. The restrictions under this section do not apply to the fleeting of barges on the Mississippi River and its tributaries.

History: 1985 a. 243; 1987 a. 374; 1987 a. 399; 1999 a. 150 ss. 5, 672; 2001 a. 30 s. 97.

30.773 Designated mooring areas. (1) ESTABLISHMENT OF DESIGNATED MOORING AREAS. Subject to department approval, a municipality with jurisdiction over navigable waters may establish designated mooring areas as provided in this section.

(2) PROCEDURES. A municipality authorized to establish a bulkhead line under s. 30.11 may establish a designated mooring area in the same manner as it is authorized to establish the bulkhead line except that if the municipality created a board of harbor commissioners, the municipality is required to obtain the approval of that board in addition to the approval of the department.

(3) STANDARDS FOR APPROVAL. In addition to requiring compliance with standards and procedures under s. 30.11 and sub. (2), the department shall grant an approval for the establishment of a designated mooring area only if:

(a) The designated mooring area is more than 150 feet from the ordinary high-water mark.

(b) The establishment and operation of the mooring area does not materially obstruct navigation.

(c) The establishment and operation of the mooring area is not detrimental to public rights or interest in the waterway.

(d) The mooring area is not within and does not adversely affect a critical or significant fish or wildlife habitat area.

(e) The establishment and operation of the mooring area complies with all applicable zoning requirements.

(f) The riparian owners agree in writing to the establishment of the mooring area and the area is to be used by the riparian owners or by others with the written consent of the riparian owners.

(g) Use of the mooring area is not unfairly restricted or used to assert exclusive privileges for use of the navigable waters.

(h) The mooring area is marked in a manner which notifies the public of the boundaries of the mooring area and assists in navigation near the mooring area. These markers shall be consistent with the uniform aids to navigation established under s. 30.74 (2).

(4) PERMITS AND REGULATIONS. (a) Department permits under s. 30.772 (4) or department approval of municipal permits under s. 30.772 (3) (c) are not required for moorings placed within a designated mooring area.

(b) A municipality may regulate the placement and use of moorings within designated mooring areas in the manner provided under s. 30.772 (3).

(5) EXCEPTION. The restrictions under this section do not apply to the fleeting of barges on the Mississippi River and its tributaries.

History: 1985 a. 243.

30.78 Local regulation of seaplanes. (1) CITY, VILLAGE AND TOWN ORDINANCES. Any city, village or town adjoining or surrounding any waters may, after public hearing, by ordinance:

(a) Prescribe reasonable safety regulations relating to the operation on the surface of such waters of any aircraft capable of landing on water.

(b) Prescribe the areas which may be used as a landing and take-off strip for the aircraft or prohibit the use of the waters altogether.

(c) Provide proper and reasonable penalties for the violation of any such ordinance.

(1g) LAKE DISTRICT ORDINANCES. (a) A public inland lake protection and rehabilitation district, after public hearing, may enact and enforce local ordinances applicable to a lake entirely within its boundaries if each town, village and city having jurisdiction on the lake adopts a resolution authorizing the lake district to do so.

(b) Ordinances authorized under par. (a) are limited to the type of ordinances authorized under sub. (1) (a) to (c).

(c) If any town, village or city having jurisdiction on the lake rescinds the resolution authorizing the public inland lake protection and rehabilitation district to enact and enforce ordinances under this paragraph, the lake district ordinances are void.

(1r) NOTICE TO DEPARTMENT OF TRANSPORTATION. The department of transportation shall receive timely notice of the public hearing required under subs. (1) and (1g) and shall have an opportunity to present testimony on the proposed ordinance. An ordinance under sub. (1) (b) or (1g) that regulates or restricts an area of surface waters for landing or take-off purposes shall be filed with the department of transportation.

(2) MARKING OF REGULATED OR RESTRICTED AREAS. Any ordinance that regulates or restricts an area of surface waters under sub. (1) or (1g) shall direct that the area be marked by standard marking devices.

(3) CONFLICTING ORDINANCES. (a) If a public inland lake protection and rehabilitation district enacts an ordinance under sub. (1g), the lake district ordinance supersedes all conflicting provisions of a town, village or city ordinance enacted under sub. (1) that are applicable to that lake.

(b) Any conflict in jurisdiction arising from the enactment of ordinances by 2 or more municipalities shall be resolved under s. 66.0105.

History: 1975 c. 269; 1989 a. 159; 1993 a. 167; 1999 a. 150 s. 672.

30.79 Local water safety patrols; state aids. (1) DEFINITIONS. In this section:

(a) "Local governmental unit" means a municipality, a public inland lake protection and rehabilitation district or a lake sanitary district.

(am) "State aid" means payment by the state to a local governmental unit for or toward the cost of the operation or maintenance of a water safety patrol unit.

(b) "Water safety patrol unit" means one of the following:

1. A unit within an existing municipal law enforcement agency or a separate municipal agency, created by a municipality or by a number of municipalities riparian to a single body of water for the purpose of enforcing ss. 30.50 to 30.80 and any rules promulgated and ordinances enacted under ss. 30.50 to 30.80 and for the purpose of conducting search and rescue operations.

2. A unit created by a public inland lake protection and rehabilitation district, by a lake sanitary district or by a number of local governmental units riparian to a single lake, at least one of which is a lake district or a lake sanitary district, for the purposes specified in subd. 1.

(2) STATE AID. In order to protect public rights in navigable waters and to promote public health, safety and welfare and the prudent and equitable use of the navigable waters of the state, a system of state aids for local enforcement of ss. 30.50 to 30.80 and ordinances enacted under ss. 30.50 to 30.80 and for conducting search and rescue operations is established.

(2m) RULES FOR ELIGIBILITY. (a) The department shall promulgate rules that restrict the costs eligible for state aid under this section. The rules shall establish the following:

1. A method for calculating the maximum number of hours spent on enforcement activities or on search and rescue operations by a water safety patrol unit that will be eligible for state aid.

2. The maximum number of crew members on a boat operated by a water safety patrol unit whose compensation will be eligible for state aid.

3. The types and location of navigable waters on which a water safety patrol unit may operate for the local governmental unit operating the water safety patrol unit to be eligible for state aid.

(b) In establishing the method of calculation under par. (a) 1., the department shall include the amount of boating activity and the size of the navigable water as factors to be used in making these calculations.

(c) In addition to the rules promulgated under par. (a) the department may promulgate rules that relate to making the operation or maintenance of a water safety patrol unit more cost-effective.

(3) ENFORCEMENT POWERS. Officers patrolling the waters as part of a water safety patrol unit may stop and board any boat for the purpose of enforcing ss. 30.50 to 30.80 or any rules promulgated or ordinances enacted under ss. 30.50 to 30.80 and for conducting search and rescue operations, if the officers have reasonable cause to believe there is a violation of the sections, rules or ordinances or the stopping and boarding of any boat is essential to conduct a search and rescue operation.

(4) JURISDICTION. Upon petition by any local governmental unit or group of local governmental units operating or intending to operate a water safety patrol unit, the department shall, if it finds that it is in the interest of efficient and effective enforcement to do so, by rule define the waters which may be patrolled by the unit, including waters lying within the territorial jurisdiction of some other town, village or city if the town, village or city consents to the patrol of its waters. Such consent is not required if the petitioner is a local governmental unit containing a population of 5,000 or more, bordering upon the waters to be affected by the rule in counties having a population of less than 500,000. Officers patrolling the waters as part of the water safety patrol unit shall have the powers of sheriff in enforcing ss. 30.50 to 30.80, or rules promulgated or ordinances enacted under ss. 30.50 to 30.80 and in conducting search and rescue operations, on any of the waters

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so defined, whether or not the waters are within the jurisdiction of the local governmental unit for other purposes.

(5) **PAYMENT OF AIDS.** On or before January 31 of the year following the year in which a local governmental unit operated a water safety patrol unit, it shall file with the department on the forms prescribed by it a detailed statement of the costs incurred by the local governmental unit in the operation of the water safety patrol unit during the past calendar year and of the receipts resulting from fines or forfeitures imposed upon persons convicted of violations of ordinances enacted under s. 30.77. The department shall audit the statement and determine the net costs that are directly attributable to the operation and maintenance of the water safety patrol unit, including a reasonable amount for depreciation of equipment. In calculating the net costs, the department shall deduct any fines or forfeitures imposed on persons convicted of violations of ordinances under s. 30.77 and any costs that do not comply with the rules promulgated under sub. (2m). The department shall compute the state aids on the basis of 75% of these net costs and shall cause the aids to be paid on or before April 1 of the year in which the statements are filed. If the state aids payable to local governmental units exceed the moneys available for such purpose, the department shall prorate the payments. No local governmental unit may receive state aid amounting to more than 20% of the funds available.

History: 1973 c. 302; 1977 c. 29, 274; 1989 a. 31, 159, 359; 1995 a. 349.

Cross Reference: See also ch. NR 50, Wis. adm. code.

Water patrol officers in a county patrol have sheriff's powers when directly enforcing ss. 30.50 to 30.80. Deputization of such officers by the sheriff is not necessary but desirable. 65 Atty. Gen. 169.

30.80 Penalties. (1) Any person violating any provision of ss. 30.50 to 30.80 for which a penalty is not provided under subs. (2) to (6) shall forfeit not more than \$50 for the first offense and shall forfeit not more than \$100 upon conviction of the same offense a 2nd or subsequent time within one year.

(2) Any person violating s. 30.68 (2) shall be fined not more than \$200 or imprisoned for not more than 6 months or both.

(2g) Any person violating any provision of s. 30.67 (1):

(a) Shall be fined not less than \$300 nor more than \$1,000 or imprisoned not more than 6 months or both if the accident did not involve death or injury to a person.

(b) Shall be fined not more than \$10,000 or imprisoned for not more than 9 months or both if the accident involved injury to a person but the person did not suffer great bodily harm.

(c) Is guilty of a Class I felony if the accident involved injury to a person and the person suffered great bodily harm.

(d) Is guilty of a Class H felony if the accident involved death to a person.

(2m) Any person violating s. 30.678 or 30.68 shall be required to obtain a certificate of satisfactory completion of a safety course under s. 30.74 (1). If the person has a valid certificate at the time that the court imposes sentence under sub. (1) or (2), the court shall permanently revoke the certificate and order the person to obtain a certificate of satisfactory completion of a safety course under s. 30.74 (1).

(2r) Any person violating s. 30.67 (2) shall forfeit not more than \$200.

(3) Any person violating s. 30.71 or any rule promulgated under that section shall forfeit not more than \$100 for the first offense and shall forfeit not more than \$200 upon conviction of the same offense a 2nd or subsequent time within one year.

(3m) Any person violating s. 30.547 (1), (3) or (4) is guilty of a Class H felony.

(4) Any person violating any provision of s. 30.72 or the rules promulgated under s. 30.72 shall forfeit not more than \$100 for the first offense and shall forfeit not more than \$200 upon conviction of the same offense a 2nd or subsequent time within one year.

(5) Any person violating s. 30.68 (8m) shall forfeit not more than \$100. Each day during which such violation exists constitutes a separate offense.

(6) (a) *Penalties related to prohibited operation of a motorboat; intoxicants; refusal.* 1. Except as provided under subs. 2. to 5., a person who violates s. 30.681 (1) (a) or (b), a local ordinance in conformity with s. 30.681 (1) (a) or (b) or the refusal law shall forfeit not less than \$150 nor more than \$300.

2. A person who violates s. 30.681 (1) (a) or (b), a local ordinance in conformity with s. 30.681 (1) (a) or (b) or the refusal law and who, within 5 years prior to the arrest for the current violation, was convicted one time previously under the intoxicated boating law or the refusal law shall be fined not less than \$300 nor more than \$1,000 and shall be imprisoned for not less than 5 days nor more than 6 months.

3. A person who violates s. 30.681 (1) (a) or (b), a local ordinance in conformity with s. 30.681 (1) (a) or (b) or the refusal law and who, within 5 years prior to the arrest for the current violation, was convicted 2 times previously under the intoxicated boating law or refusal law shall be fined not less than \$600 nor more than \$2,000 and shall be imprisoned for not less than 30 days nor more than one year in the county jail.

4. A person who violates s. 30.681 (1) (a) or (b), a local ordinance in conformity with s. 30.681 (1) (a) or (b) or the refusal law and who, within 5 years prior to the arrest for the current violation, was convicted 3 times previously under the intoxicated boating law or refusal law shall be fined not less than \$600 nor more than \$2,000 and shall be imprisoned for not less than 60 days nor more than one year in the county jail.

5. A person who violates s. 30.681 (1) (a) or (b), a local ordinance in conformity with s. 30.681 (1) (a) or (b) or the refusal law and who, within 5 years prior to the arrest for the current violation, was convicted 4 or more times previously under the intoxicated boating law or refusal law shall be fined not less than \$600 nor more than \$2,000 and shall be imprisoned for not less than 6 months nor more than one year in the county jail.

6. A person who violates s. 30.681 (1) (bn) or a local ordinance in conformity with s. 30.681 (1) (bn) shall forfeit \$50.

(b) *Penalties related to causing injury; intoxicants.* A person who violates s. 30.681 (2) shall be fined not less than \$300 nor more than \$2,000 and may be imprisoned not less than 30 days nor more than one year in the county jail.

(c) *Calculation of previous convictions.* In determining the number of previous convictions under par. (a) 2.to 5., convictions arising out of the same incident or occurrence shall be counted as one previous conviction.

(d) *Alcohol, controlled substances or controlled substance analogs; examination.* In addition to any other penalty or order, a person who violates s. 30.681 (1) or (2) or 30.684 (5) or who violates s. 940.09 or 940.25 if the violation involves the operation of a motorboat, shall be ordered by the court to submit to and comply with an assessment by an approved public treatment facility for an examination of the person's use of alcohol, controlled substances or controlled substance analogs. Intentional failure to comply with an assessment ordered under this paragraph constitutes contempt of court, punishable under ch. 785.

(e) *Certificate of satisfactory completion of safety course.* In addition to any other penalty or order, a person who violates s. 30.681 (1) or (2) or 30.684 (5) or who violates s. 940.09 or 940.25 if the violation involves the operation of a motorboat, shall be ordered by the court to obtain a certificate of satisfactory completion of a safety course under s. 30.74 (1). If the person has a valid certificate at the time that the court imposes sentence, the court shall permanently revoke the certificate and order the person to

obtain a certificate of satisfactory completion of a safety course under s. 30.74 (1).

History: 1973 c. 302; 1975 c. 208, 365, 422; 1979 c. 296 ss. 1 to 3; 1985 a. 243, 331; 1985 a. 332 s. 251 (1); 1989 a. 31, 145; 1995 a. 448; 1997 a. 198, 283; 2001 a. 109; 2005 a. 356.

30.81 Local regulations on icebound inland waters.

(1) **TOWN, VILLAGE AND CITY ORDINANCES.** Any town, village or city, in the interest of public health or safety, may enact ordinances that are not inconsistent with this chapter, relative to the use or operation of boats and other craft, including snowmobiles and other motor vehicles, on icebound inland lakes, but an ordinance is not valid unless each town, village and city having jurisdiction over any portion of the lake has enacted an identical ordinance. When the identical ordinances have been enacted, the ordinance of any individual town, village or city is in effect on the entire lake.

(1m) **LAKE DISTRICT ORDINANCES.** (a) A public inland lake protection and rehabilitation district, in the interest of public health or safety, may enact and enforce ordinances applicable to a lake entirely within its boundaries if each town, village and city having jurisdiction on the lake adopts a resolution authorizing the lake district to do so.

(b) An ordinance enacted under par. (a) must be consistent with this chapter and must relate to the use or operation of boats and other craft, including snowmobiles and other motor vehicles, on icebound inland lakes.

(c) If a public inland lake protection and rehabilitation district enacts an ordinance under this subsection, the district ordinance supersedes all conflicting provisions of a town, village or city ordinance enacted under sub. (1) that are applicable to the lake.

(d) If a town, village or city having jurisdiction on the lake rescinds the resolution authorizing the public inland lake protection and rehabilitation district to enact and enforce ordinances under this paragraph, the lake district ordinances are void.

(2) **COUNTY ORDINANCES.** Any county, in the interest of public health or safety, may enact ordinances not inconsistent with this chapter, relative to the use or operation of boats and other craft, including snowmobiles and other motor vehicles, on any of the icebound inland waters over which it has jurisdiction, except inland icebound lakes that are regulated by valid local ordinances enacted pursuant to sub. (1) or (1m).

(3) **LIABILITY OF LOCAL GOVERNMENT.** All traffic on icebound, inland waters shall be at the risk of the traveler. An ordinance by any municipality or any public inland lake protection and rehabilitation district that is enacted under this section permitting traffic on icebound inland waters shall not render the municipality or lake district enacting the ordinance liable for any accident to those engaged in permitted traffic while the ordinance is in effect.

(4) **ENFORCEMENT.** A law enforcement officer of a town, village or city that is subject to an ordinance enacted under sub. (1) or (1m) has the powers of sheriff in enforcing the ordinance on any portion of the lake, whether or not that portion of the lake is within the jurisdiction of the town, village or city for other purposes.

History: 1989 a. 159; 1993 a. 167.

30.90 Public access to Lake Lions. (1) As long as Lake Lions in the town of Alban, Portage County, continues to be used as a recreational area for the physically handicapped, all of the following shall apply:

(a) Neither the county or town may provide, nor shall any subdivider be required or permitted to provide, public access to Lake Lions, if the public access will in any way interfere with the use of the lake as a recreational area for the physically handicapped.

(b) The department may stock Lake Lions with fish, any provision in ch. 29 to the contrary notwithstanding.

(2) The town board of the town of Alban shall have jurisdiction over Lake Lions and may enact and enforce any ordinances necessary to prevent any deterioration of the waters of Lake Lions

or any nuisances that would adversely affect the health or safety of the people.

History: 2001 a. 103.

30.92 Recreational boating projects. (1) DEFINITIONS. In this section:

(a) "Commission" means the Wisconsin waterways commission established under s. 15.345 (1).

(b) "Governmental unit" means the department, a municipality, a lake sanitary district, a public inland lake protection and rehabilitation district organized under ch. 33, the Milwaukee River revitalization council, the Lower Wisconsin State Riverway board, or any other local governmental unit, as defined in s. 66.0131 (1) (a), that is established for the purpose of lake management.

(bg) "Great Lakes" means Lake Superior and Lake Michigan and includes Chequamegon Bay and Green Bay.

(bk) "Inland lake" means an inland water that is a lake.

(bn) "Inland water" has the meaning given in s. 29.001 (45).

(br) "Qualified lake association" means an association that meets the qualifications under s. 281.68 (3m) (a).

(c) "Recreational boating facilities" means places where the public has access to the water by means of breakwaters and other similar physical structures, either naturally or artificially constructed, that provide safety and convenience for operators of recreational boats. "Recreational boating facilities" includes harbors of refuge, public accesses, launching ramps and locks and facilities that provide access between waterways for operators of recreational boats.

(2) **STUDIES.** (a) The commission may cause to be conducted appropriate studies, including feasibility studies, and inventories to aid in assessing the need for recreational boating projects.

(b) Feasibility studies shall be used to determine whether the construction of recreational boating facilities is feasible from environmental, economic and engineering viewpoints. The commission may conduct feasibility studies or cooperate with other state agencies in conducting feasibility studies. Feasibility studies conducted by state agencies or private persons shall be reviewed by the commission to ensure that appropriate data have been collected and analyzed in detail to substantiate the recommendations made in the feasibility study.

(c) Feasibility studies may be conducted upon the request of the affected governmental unit or qualified lake association. Feasibility studies shall be of sufficient detail to allow affected governmental units or qualified lake associations to decide if a recreational boating facility construction project should be supported.

(d) The following factors shall be considered by the commission in assigning priorities for feasibility studies:

1. Estimated cost of the study.
2. Available funds.
3. Expression of support by the governmental unit or qualified lake association.
4. For a recreational boating facility, the distance of the site of the proposed facility from other recreational boating facilities.
5. Work previously completed.

(e) A decision by a governmental unit or a qualified lake association to support a recreational boating project feasibility study shall be made by a resolution indicating support for a more detailed inquiry into the engineering, environmental and economic feasibility of a project. Support of a recreational boating project feasibility study does not commit the affected governmental unit or qualified lake association to cost-sharing in the project.

(3) **PROJECT PRIORITY LIST.** (a) Only those proposed recreational boating projects found to be feasible and supported by the affected governmental unit or qualified lake association and approved by the commission shall be placed on a priority list by the commission. The department shall maintain the list of priority

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projects. Annually, the department shall inform all affected governmental units, except itself, and all qualified lake associations of their positions on the priority list.

(b) The following factors shall be considered in establishing priorities for projects:

1. For a recreational boating facility, the distance of the site of the proposed facility from other recreational boating facilities.
2. Demand for safe recreational boating facilities.
3. Expression of support by the governmental unit or qualified lake association.
4. Existing recreational boating projects.
5. Projects underway.
6. Commitment of funds.
7. Location of the proposed project within the region identified in s. 25.29 (7) (a).

(4) **AIDS.** (a) The department shall develop and administer, with the approval of the commission, a financial assistance program for governmental units, including itself, and qualified lake associations for the construction and rehabilitation of capital improvements related to recreational boating facilities, for the improvement of locks and facilities which provide access between waterways and for the projects specified in par. (b) 8. No financial assistance under this section may be provided to the department other than for projects for access to inland lakes without a public access facility.

(b) The following standards shall apply to the state funding of all recreational boating projects:

1. To the greatest extent possible, state funds shall be used to match other funding sources. Other funding sources may include, but are not limited to, the federal land and water conservation fund, the U.S. army corps of engineers, U.S. economic development administration, general revenue sharing, gifts, grants and contributions and user fees.

2. a. The department may cost-share, with the approval of the commission, with a qualified lake association or an affected governmental unit, including itself, at a rate of up to 50% of any construction, acquisition, rehabilitation, feasibility study or other project costs or any combination of these costs, for the recreational boating project if the costs are the type that qualify for funding under this section.

b. The department, with the approval of the commission, may increase the maximum cost-share rate under subd. 2. a. from 50% to 80% if the commission determines that the recreational boating project is a project of statewide or regional significance.

c. The department may pay, with the approval of the commission, an additional 10% of the costs of a construction project if the municipality conducts a boating safety enforcement and education program approved by the department.

2m. The qualified lake association or governmental unit that cost-shares under subd. 2. may make its contribution in matching funds or in-kind contributions or both.

3. No more than 10% of the state funds available for recreational boating aids under this section may be expended for feasibility studies in one year. No more than 1% of the state funds available for recreational boating aids under this section may be expended for any one feasibility study in one year.

4. No funds may be used for the purchase of land or the construction of facilities commonly used to berth boats.

6. Forty percent of the state funds available for recreational boating aids under this section shall be expended for Great Lakes projects. Forty percent of the state funds available for recreational boating aids under this section shall be expended for inland water projects. The commission may designate recreational boating aids for locks and facilities that provide access between the Great Lakes and inland waters as aids expended for inland waters, as aids expended for projects deemed necessary by the commission without regard to location or as aids under a combination of these 2 types of projects. Twenty percent of the state funds available for

recreational boating aids under this section shall be expended for projects deemed necessary by the commission without regard to location.

6m. Notwithstanding subd. 6., the department, with the approval of the commission, may reallocate for expenditure for recreational boating aids without complying with the percentages under subd. 6. any state funds that are not encumbered for expenditure for a fiscal year before the first day of the 4th quarter of that fiscal year.

7. Projects qualifying for funds available for recreational boating aids under this section include, but are not limited to, construction, rehabilitation and improvement of harbors of refuge on the Great Lakes; accommodation of motor-powered recreational watercraft; construction, rehabilitation and improvement of public access and related facilities on inland waters where motor-powered recreational watercraft are permitted; and improvement of locks and facilities that provide access between waterways for the operators of recreational watercraft.

8. In addition to those projects specified under subd. 7., the following projects qualify for funds available for recreational boating aids under this section:

a. A project for the dredging of a channel in a waterway to the degree that is necessary to accommodate recreational watercraft.

am. A project that uses chemicals to remove Eurasian water milfoil.

b. Acquisition of capital equipment that is necessary to cut and remove aquatic plants that are detrimental to fish habitat if the acquisition is pursuant to a plan to cut and remove aquatic plants that is approved by the department.

bn. Acquisition of capital equipment that is necessary to collect and remove floating trash and debris from a waterway.

bp. Acquisition of capital equipment that is necessary to control and remove invasive aquatic plants, as defined in s. 23.24 (1) (g), if the equipment will be used to control and remove them as authorized by an aquatic plant management permit issued under s. 23.24 (3).

c. Acquisition of aids to navigation, as defined in s. 30.74 (2) (b).

d. Acquisition of regulatory markers, as defined in s. 30.74 (2) (b).

9. A governmental unit or a qualified lake association may not receive funds under subd. 8. a. for the same waterway more than once every 10 years.

10. Funds for a project under subd. 8. b. for capital equipment that will be used on the Great Lakes may only be expended from the 40% allocation of state funds that is available for Great Lake projects under subd. 6.

11. Not more than \$75,000 in each fiscal year may be expended for projects under subd. 8. am.

(4r) **CHAIR FACTORY DAM.** Of the amounts appropriated under s. 20.370 (5) (cq), and before applying the percentages under sub. (4) (b) 6., the department shall expend the amount that is necessary for the renovation and repair or the removal of the Chair Factory Dam in Grafton, but the amount shall not exceed \$264,000. Notwithstanding sub. (1) (c), the dam project specified under this subsection is a recreational boating facility for the purpose of expending moneys under this section. This project need not be placed on the priority list under sub. (3) (a).

(4t) **LINNIE LAC DAM.** Of the amounts appropriated under s. 20.370 (5) (cq) and before applying the percentages under sub. (4) (b) 6., the department shall provide to the Linnie Lac Management District the amount that is necessary for the repair, removal or reconstruction of the Linnie Lac Dam, but the amount shall not exceed \$250,000. The Linnie Lac Management District need not assume ownership of the Linnie Lac Dam and, notwithstanding sub. (4) (b) 2., the Linnie Lac Management District need not contribute any moneys to match the amount expended from the appropriation under s. 20.370 (5) (cq). Notwithstanding sub. (1) (c), the

dam project specified under this subsection is a recreational boating facility for the purpose of expending moneys under this section. This project need not be placed on the priority list under sub. (3) (a).

(5) **RULES.** (a) The commission shall recommend rules for promulgation by the department as necessary to implement this section. The commission shall recommend rules relating to the type and content of studies to be conducted, cost-sharing arrangements under sub. (4) and liaison arrangements between the state and federal agencies, other state agencies, governmental units, qualified lake associations and other persons.

(b) For purposes of sub. (4) (b) 2. b., the department shall promulgate rules to be used to determine whether a recreational boating project is a recreational boating project of statewide or regional significance.

(6) **COOPERATION AND ASSISTANCE.** (a) The department shall provide governmental units and qualified lake associations with technical assistance in all phases of implementing or participating in the program under this section. The department shall also coordinate the program under this section with all other related state and federal programs.

(b) The department shall assign staff to the commission for management of the program under this section. All staff activities,

including but not limited to budgeting, program coordination and related administrative management functions, shall be consistent with the policies of the department and the natural resources board.

History: 1977 c. 274; 1979 c. 34 s. 2102 (39) (a); 1979 c. 154, 221; 1981 c. 20; 1983 a. 27 ss. 870, 2202 (38); 1985 a. 29, 332; 1989 a. 31, 160; 1991 a. 39, 269; 1995 a. 8, 27, 349; 1997 a. 27 ss. 1144g, 1144r, 1144s, 1145, 1146, 1146d, 1146g, 1146h, 5503g; 1997 a. 79, 248; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16; 2003 a. 33; 2005 a. 25.

Cross Reference: See also ch. NR 7, Wis. adm. code.

30.99 Parties to a violation. (1) Whoever is concerned in the commission of a violation of this chapter for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

(2) A person is concerned in the commission of the violation if the person:

(a) Directly commits the violation;

(b) Aids and abets the commission of it; or

(c) Is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

History: 1975 c. 365.

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